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JIM EDGAR
Secretary of State

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ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
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Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
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Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
Apr. 10, 1990	Apr. 17, 1990	17	Apr. 27, 1990	Oct. 16, 1990	Oct. 23, 1990	44	Nov. 2, 1990
Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

The House of Representatives is the lower branch of the United States Congress. It is composed of 435 members, known as Representatives, who are elected by the people of each state and the District of Columbia. The House has the sole power to initiate all bills for raising revenue and to impeach federal judges and officers.

The Senate is the upper branch of the United States Congress. It is composed of 100 members, known as Senators, who are elected by the people of each state. The Senate has the sole power to ratify or reject treaties, to confirm or reject appointments made by the President, and to impeach and try federal judges and officers.

The President is the head of the executive branch of the federal government. He is elected by the people for a four-year term and has the power to veto bills passed by Congress, to appoint and remove federal judges and officers, and to negotiate treaties with foreign nations.

The Vice President is the second highest office in the federal government. He is elected by the people for a four-year term and serves as the President's successor in the event of his death or resignation.

The Supreme Court is the highest court in the federal judiciary. It is composed of nine Justices, who are appointed by the President and confirmed by the Senate. The Supreme Court has the power to review and overturn laws and executive actions that it finds unconstitutional.

The federal government is divided into three branches: the executive branch, the legislative branch, and the judicial branch. Each branch has its own powers and responsibilities, and they all work together to govern the United States.

The federal government is responsible for a wide range of activities, including the collection of taxes, the regulation of interstate commerce, the protection of civil liberties, and the maintenance of national defense.

The federal government is also responsible for the administration of the federal courts, the collection of federal debts, and the management of federal lands and resources.

The federal government is a complex organization with many different departments and agencies. Each department has its own specific responsibilities, and they all work together to carry out the policies of the President and Congress.

The federal government is a system of checks and balances, which means that each branch has the power to limit the actions of the other branches. This system helps to prevent any one branch from becoming too powerful.

The federal government is a system of representation, which means that the people of each state are represented in Congress by their elected Representatives and Senators. This system helps to ensure that the interests of all Americans are taken into account.

The federal government is a system of accountability, which means that the President and Congress are responsible to the people for their actions. This system helps to ensure that the government is working in the best interests of the nation.

The federal government is a system of justice, which means that it is responsible for the fair and equitable treatment of all Americans. This system helps to ensure that the rights of all citizens are protected.

The federal government is a system of progress, which means that it is responsible for the improvement of the lives of all Americans. This system helps to ensure that the United States is a land of opportunity for all.

The federal government is a system of unity, which means that it is responsible for the coming together of all Americans. This system helps to ensure that the United States is a united and indivisible nation.

The federal government is a system of hope, which means that it is responsible for the future of the United States. This system helps to ensure that the United States is a land of promise for all.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Proposed Action:
- | | |
|----------------------|---------|
| 310.230 | Amended |
| 310. App. A, Table D | Amended |
| 310. App. A, Table E | Amended |
| 310. App. A, Table F | Amended |
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)
- 5) A Complete Description of the Subjects and Issues Involved:

In Section 310.230, the Student Worker's maximum hourly rate is being increased from \$6.00 to \$8.00 at the request of the Department of Agriculture.

In Section 310. Tables D, E and F, the provisions in the contracts for Teamsters Local #726, #330 and #25 for establishing a \$.10 increase for employees permanently assigned to the bridge crew is being implemented. The additional compensation should be included for the following titles:

	Monthly	Hourly
Heavy Construction Equipment Operator (Bridge Crew)	\$2,794.44	\$16.06
Highway Maintainer (Bridge Crew)	2,695.26	15.49
Highway Maintenance Lead Worker (Bridge Crew)	2,824.02	16.23
Highway Maintenance Lead Worker (Lead Lead Worker - Bridge Crew)	2,874.48	16.52

The above titles will be utilized within the Department of Transportation only.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No.
- 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
If "yes", please specify date:
- 8) Do these proposed amendments contain any incorporations by reference?
No

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any proposed amendments pending to this part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.230	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310.280	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310. App. A, Table A	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310.280	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310.290	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310. App. A, Table I	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310. App. A, Table O	Amended	14 Ill. Reg. 10189 (June 29, 1990)
310. App. A, Table P	Amended	14 Ill. Reg. 10189 (June 29, 1990)

10) Statement of Statewide Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

The Department of Central Management Services' Pay Plan does not affect private businesses. Amendments made to the Pay Plan are not subject to any guidelines or regulations of the Department of Commerce and Community Affairs.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

B) Types of small businesses affected:

None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

C) Reporting, bookkeeping or other procedures required for compliance:

None

D) Types of professional skills necessary for compliance:

None

The full text of the proposed Rule(s) begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section
310.20
310.30
310.40
310.50
310.60
310.70
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310.100
310.110
310.120
310.130
310.140
310.150

Policy and Responsibilities
Jurisdiction
Pay Schedules
Definitions
Conversion of Base Salary to Pay Period Units
Conversion of Base Salary to Daily or Hourly Equivalents
Increases in Pay
Decreases in Pay
Other Pay Provisions
Implementation of Pay Plan Changes, Effective July 1, 1990
Interpretation and Application of Pay Plan
Effective Date
Reinstitution of Within Grade Salary Increases
Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section
310.205
310.210
310.220
310.230
310.240
310.250
310.260
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Introduction
Prevailing Rate
Negotiated Rate
Part-Time Daily or Hourly Special Services Rate
Hourly Rate
Member, Patient and Inmate Rate
Trainee Rate
Legislated and Contracted Rate
Designated Rate
Out-of-State or Foreign Service Rate
Education Rate
Physician Specialist Rate
Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1991
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
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TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSOME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, ISEA)
TABLE H	RC-006 (Corrections Employees, AFSOME)
TABLE I	RC-009 (Institutional Employees, AFSOME)
TABLE J	RC-014 (Clerical Employees, AFSOME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
TABLE M	RC-027 (Educators, AFSOME) (Repealed)
TABLE N	RC-027 (Physician Rates, AFSOME) (Repealed)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSOME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
TABLE Q	RC-033 (Meat Inspectors, ISEA)
TABLE R	RC-042 (Residual Maintenance Workers, AFSOME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)

TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
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TABLE X	RC-063 (Professional Employees, AFSOME)
TABLE Y	RC-063 (Educators, AFSOME)
TABLE Z	RC-063 (Physicians, AFSOME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay for Fiscal Year 1991
APPENDIX C	Physician Administrator Rates and Medical Facilities Administrator Rates for Fiscal Year 1991
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1991
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1989, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of

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NOTICE OF PROPOSED AMENDMENTS

150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19921, effective December 12, 1989;

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. _____, effective _____.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Apiary Inspector	\$10 to \$50
Building/Grounds Laborer	\$3.50 to \$6.00 (per hour)
Building/Grounds Lead I	\$3.50 to \$7.00 (per hour)
Building/Grounds Lead II	\$4.50 to \$8.00 (per hour)
Building/Grounds Maintenance Worker	\$5.00 to \$6.00 (per hour)
Chaplain I	\$20 to \$70
Chemist I	\$30 to \$45
Conservation/Historic Preservation Worker	\$4.50 (per hour)
Conservation/Historic Preservation Worker (2nd season -- site interpretation)	\$4.64 (per hour)
Conservation/Historic Preservation Worker (3rd season -- site interpretation)	\$4.78 (per hour)
Dentist I	\$70 to \$150
Dentist II	\$100 to \$185
Educator	\$25 to \$60
Educator Aide	\$18 to \$35
Guard II	\$67 to \$84
Hearing and Speech Coordinator	\$15 to \$30 (per hour)
Hearings Referee	\$75 to \$200
Janitor I	\$4.73 to \$5.30 (per hour)
Labor Maintenance Lead Worker	\$5.00 to \$6.00 (per hour)
Labor Relations Investigator	\$35 to \$70
Laboratory Technician II	\$26 to \$40
Laborer (Maintenance)	\$3.35 to \$5.50 (per hour)
Lifeguard	\$3.91 (per hour)
Lifeguard Captain	\$4.02 (per hour)
Maintenance Worker	\$3.50 to \$5.00 (per hour)
Occupational Therapist	\$40 to \$160
Program Coordinator	

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Office Aide	\$3.50 to \$7.50 (per hour)
Office Assistant	\$4.00 to \$8.75 (per hour)
	\$42 to \$65
Office Associate	\$4.00 to \$9.50 (per hour)
Optometrist	\$50 to \$160 (daily)
Optometrist	\$15 to \$35 (hourly)
Physician	\$100 to \$300
Physician Specialist (A)	\$100 to \$325 (daily)
Physician Specialist (A)	\$20 to \$60 (hourly)
Physician Specialist (B)	\$100 to \$350 (daily)
Physician Specialist (B)	\$20 to \$70 (hourly)
Physician Specialist (C)	\$100 to \$360 (daily)
Physician Specialist (C)	\$20 to \$75 (hourly)
Physician Specialist (D)	\$100 to \$370 (daily)
Physician Specialist (D)	\$20 to \$85 (hourly)
Podiatrist	\$50 to \$125
Psychologist I	\$35 to \$80
Psychologist II	\$40 to \$125
Psychologist III	\$40 to \$150
Recreation Worker I	\$25 to \$40
Recreation Worker I	\$5.33 (per hour)
Registered Nurse I	\$39 to \$54
Registered Nurse I (2nd or 3rd shift)	\$41 to \$56
Registered Nurse I (Cook County)	\$43 to \$58
Registered Nurse I (Cook County - 2nd or 3rd shift)	\$44 to \$59
Registered Nurse II	\$43 to \$58
Registered Nurse II (2nd or 3rd shift)	\$44 to \$59
Registered Nurse II (Cook County)	\$45 to \$60
Registered Nurse II (Cook County - 2nd or 3rd shift)	\$47 to \$62
Social Worker II	\$35 to \$75
Social Worker III	\$35 to \$80
Student Worker	\$3.35 to \$6.00 (per hour)
Tax Examiner	\$53 to \$73
Technical Advisor II	\$20 to \$35 (per hour)
Technical Advisor III	\$30 to \$60 (per hour)
Technical Advisor IV	\$50 to \$80 (per hour)
Veterinarian II	\$95 to \$130 (daily)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE D HR-001 (Teamsters Local #726)

A) Department of Transportation - Division of Highways - Emergency Patrol - Northeast Region - (Cook)

	July 1, 1990	
	Mo.	Hr.
Highway Maintainer	\$2753.00	\$15.82
Highway Maintenance Lead Worker	2882.00	16.56
Maintenance Worker	2697.00	15.50

B) Department of Transportation - Division of Highways - Northeast Region - (Cook)

	July 1, 1990	
	Mo.	Hr.
Heavy Construction Equipment Operator	\$2777.00	\$15.96
Heavy Construction Equipment Operator (Bridge Crew)	2794.44	16.06
Highway Maintainer	2678.00	15.39
Highway Maintainer (Bridge Crew)	2695.26	15.49
Highway Maintenance Laborer	----	----
Highway Maintenance Lead Worker	2807.00	16.13
Highway Maintenance Lead Worker (Bridge Crew)	2824.02	16.23
Highway Maintenance Lead Worker (Lead Lead Worker)	2857.00	16.42
Highway Maintenance Lead Worker (Lead Lead Worker - Bridge Crew)	2874.48	16.52
Laborer (Maintenance)	2586.00	14.86
Maintenance Worker	2622.00	15.07

C) Department of Public Health - Northeast Region - (Cook)

	July 1, 1990	
	Mo.	Hr.
Maintenance Equipment Operator	\$2678.00	\$15.39
Maintenance Worker	2531.00	14.55

D) Department of Mental Health & Developmental Disabilities, Northeast Region - (Cook)

	July 1, 1990	
	Mo.	Hr.
Grounds Lead Worker	\$ ----	\$ ---

NOTICE OF PROPOSED AMENDMENTS

Maintenance Equipment Operator	2678.00	15.39
Maintenance Worker	2531.00	14.55

E) Departments of Children & Family Services, Employment Security, and Public Aid -- Northeast Region - (Cook)

	July 1, 1990	
	Mo.	Hr.
Maintenance Equipment Operator	\$2678.00	\$15.39

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 310.TABLE E RC-020 (Teamsters Local #330)

A) Departments of Children & Family Services, Corrections, Employment Security, Mental Health & Developmental Disabilities - (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990	
	Mo.	Hr.
Maintenance Equipment Operator	\$2678.00	\$15.39

B) Department of Transportation - Division of Highways - (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990	
	Mo.	Hr.
Bridge Mechanic	\$2711.00	\$15.58
Bridge Tender	2510.00	14.43
Highway Maintainer	2678.00	15.39
Highway Maintainer (Bridge Crew)	2695.26	15.49
Highway Maintenance Lead Worker	2807.00	16.13
Highway Maintenance Lead Worker (Bridge Crew)	2824.02	16.23
Janitor I	2385.00	13.71
Janitor II	2416.00	13.89
Labor Maintenance Lead Worker	2642.00	15.18
Laborer (Maintenance)	2586.00	14.86
Maintenance Worker	2622.00	15.07
Power Shovel Operator (Maintenance)	2728.00	15.68
Security Guard I	2412.00	13.86
Security Guard II	2460.00	14.14
Silk Screen Operator	2782.00	15.99

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- C) Department of Central Management Services - Division of Vehicles - (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990	
	Mo.	Hr.
Janitor I	\$2385.00	\$13.71
Janitor II	2416.00	13.89
Maintenance Equipment Operator (all divisions)	2678.00	15.39
Maintenance Worker	2622.00	15.07
Security Guard I	2412.00	13.86
Security Guard II	2460.00	14.14

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 310. TABLE F RC-019 (Teamsters Local #25)

- A) Department of Transportation - Division of Highways - Downstate - (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990	
	Mo.	Hr.
Bridge Tender	\$2510.00	\$14.43
Deck Hand	2483.00	14.27
Ferry Operator I	2708.00	15.56
Ferry Operator II	2758.00	15.85
Highway Maintainer	2708.00	15.56
Highway Maintenance Lead Worker (Bridge Crew)	2724.84	15.66
Highway Maintenance Lead Worker	2807.00	16.13
Highway Maintenance Lead Worker (Bridge Crew)	2824.02	16.23

Janitor I (including Office of Administration)	2385.00	13.71
Janitor II (including Office of Administration)	2416.00	13.89
Laborer (Maintenance)	2586.00	14.86
Labor Maintenance Lead Worker	2642.00	15.18
Maintenance Worker (including Office of Administration)	2622.00	15.07
Power Shovel Operator (Maintenance)	2728.00	15.68
Security Guard I (including Office of Administration)	2412.00	13.86

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Security Guard II (including Office of Administration)	2460.00	14.14
Silk Screen Operator	2782.00	15.99

- B) Department of Central Management Services - Division of Vehicles - Downstate - (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990	
	Mo.	Hr.
Janitor I	\$2385.00	\$13.71
Janitor II	2416.00	13.89
Maintenance Worker	2622.00	15.07
Maintenance Equipment Operator (all divisions)	2678.00	15.39
Security Guard I	2412.00	13.86
Security Guard II	2460.00	14.14

- C) Department of Mental Health & Developmental Disabilities - Lincoln Developmental Center

	July 1, 1990	
	Mo.	Hr.
Laborer (Maintenance)	\$2586.00	\$14.86

- D) Departments of Children & Family Services, Corrections, Employment Security, State Police, Mental Health & Developmental Disabilities, Public Aid, Veterans' Affairs - Downstate - (All Counties Other Than Cook, DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

	July 1, 1990	
	Mo.	Hr.
Maintenance Equipment Operator	\$2678.00	\$15.39

- E) Department of Transportation - Division of Highways - Emergency Patrol - District #8

	July 1, 1990	
	Mo.	Hr.
Highway Maintainer	\$2753.00	\$15.82
Highway Maintenance Lead Worker	2882.00	16.56

- F) Department of Conservation

	July 1, 1990	
	Mo.	Hr.
Power Shovel Operator (Maintenance)	\$2728.00	\$15.68

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF MENTAL HEALTH
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NOTICE OF PROPOSED RULES

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 31, 1990

B) Types of small businesses affected:

Not-for-profit services agencies.

C) Reporting, bookkeeping or other procedures required for compliance:

Verification of clinical and financial eligibility.

D) Types of professional skills necessary for compliance:

Psychiatrists, physicians, clinical psychologists, social workers, staff experienced in working with mentally disabled persons.

The full text of the Proposed Rules is the same as the text of Emergency Rules appearing on page 14987 of this Illinois Register:

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Services Charges
- 2) Code Citation: 59 Ill. Adm. Code 106
- 3) Section Numbers:
106.25
106.45
Proposed Action:
Amendment
Amendment
- 4) Statutory Authority: Implementing Ill. Rev. Stat. 1989, ch. 91½, pars. 5-100 et seq. and authorized by Ill. Rev. Stat. 1989, ch. 91½, pars. 5-104 and 100-5.
- 5) A Complete Description of the Subjects and Issues Involved:
Section 106.25 is being amended to allow the Department to credit federal benefits (e.g., Medicaid, Medicare and Veterans' Administration benefits) on a dollar amount. This change will allow the Department to collect enough money to pay for the daily charge and no more.
Section 106.45 is being amended to reflect an amendment to the Illinois Department of Public Aid's rule at 89 Ill. Adm. Code 120.382 which raised the allowable reserve exemption for recipients.
- 6) Will these proposed amendments replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2201 et seq.).

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Rules Administrator, Department of Mental Health and Developmental Disabilities, 402 Stratton Building, Springfield, IL 62765, telephone (217)785-3313.

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NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not impact small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIESPART 106
SERVICES CHARGES

Section

106.10	Estates of recipients admitted to state hospitals (repealed)
106.15	Definitions
106.20	Maximum charges for treatment (repealed)
106.25	Charges for services
106.30	Liability for treatment charges (repealed)
106.35	Liability for services charges
106.40	Determination of ability to pay treatment charges (repealed)
106.45	Determination of ability to pay services charges
106.50	Standards for ability to pay treatment charges (repealed)
106.60	Allowances for unusual expenses or circumstances in determining ability to pay treatment charges (repealed)
106.65	Allowances for unusual expenses and/or exceptional circumstances in determining ability to pay services charges
106.70	Petition for release from or modification of treatment charges (repealed)
106.75	Petition for release from or modification of services charges
106.80	Computing costs of hospitalization of recipients (repealed)
106.85	Computing monthly costs of recipient services charges
106.90	Partial payment of cost of maintenance for certain mentally retarded persons in licensed private facilities (repealed)
106.100	Partial payment of costs of maintenance for certain mentally ill children in licensed private facilities (repealed)
106.TABLE A	- Responsible Relative Liability

AUTHORITY: Implementing Chapter 5 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987 1989, ch. 91½, pars. 5-100 et seq.), and Section 11 of the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1987 1989, ch. 91½, par. 811), and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987, ch. 91½, par. 5-104) and Section 5 of "AN ACT codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" (Ill. Rev. Stat. 1987 1989, ch. 91½, par. 100-5).

SOURCE: Filed effective October 1, 1969; codified at 5 Ill. Reg. 10721; amended at 6 Ill. Reg. 879, effective January 15, 1982; emergency amendment at 7 Ill. Reg. 13690, effective October 1, 1983 for a maximum of 150 days;

DEPARTMENT OF MENTAL HEALTH AND
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amended at 8 Ill. Reg. 22555, effective November 7, 1984; amended at 11 Ill. Reg. 17197, effective October 9, 1987; amended at 12 Ill. Reg. 10472, effective June 7, 1988; amended at 12 Ill. Reg. 18158, effective October 31, 1988; amended at 13 Ill. Reg. 3821, effective March 14, 1989; amended at 14 Ill. Reg. _____, effective _____.

NOTE: Bold-face type denotes statutory language.

Section 106.25 Charges for services

- a) The maximum charge for services to be assessed against a recipient, or the estate of a recipient in a Department-operated facility, shall be 55% of the average per capita cost commencing January 1, 1985; 65% of the average per capita cost commencing January 1, 1986; 75% of the average per capita cost commencing January 1, 1987; 85% of the average per capita cost commencing January 1, 1988; 95% of the average per capita cost commencing January 1, 1989; and 100% of the average per capita cost commencing January 1, 1990 and each January 1 thereafter to be recalculated annually.

- b) The standard authorized by Section 5-116 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1985 1989, ch. 91½, par. 5-116) by which the Department will set the rate for responsible relatives to provide support will be based on a percentage of annual income, considering the number of dependents. Section 106.1 Table A, found at the end of this Part, is used for determining the support obligation of a responsible relative.

- c) The maximum rate to be used when filing claims for benefits under Title XVIII of the Social Security Act (Medicare) (42 U.S.C.A. 1395b-1, et seq., 1981), Title XIX of the Social Security Act (Medicaid) (42 U.S.C.A. 1396a et seq., 1983) Veteran's Administration benefits (38 U.S.C.A. 521, 541, 542, 1979), Champus/Champus (38 U.S.C.A. 601 et seq., 1981) and active military, is not to exceed the rate set by the Department of Public Aid, or as approved each year for the respective program. Payments received from a benefit or federal insurance program shall be credited for the number of days of specified coverage prescribed by the program involved against on a dollar for dollar basis for each covered day up to the maximum per capita cost for which the recipient has a liability or the contracted rate established by the provider, whichever is less. Responsible relatives cannot be assessed a charge during periods such coverage is received.

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- d) All payments received from private hospitalization insurance shall be credited against the recipient's liability on a day-to-day basis at dollar for dollar basis up to the prevailing maximum charge for recipients as established in this Section.
- e) All payments on behalf of recipients from any source shall be credited against Medicaid (42 U.S.C.A. 1396a et seq., 1983) billings if for the same period of service.
- f) If a spouse who is a legal dependent of a recipient is designated as payee of the recipient's benefits and is using such benefits as his/her income, charges shall be established on the total combined income in accordance with the schedule in Section 106.1 Table A as provided for in Section 5-116 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1985 1989, ch. 91½, par. 5-116).
- g) Voluntary payments in excess of required amounts will be accepted from the recipient and from responsible relatives as well as from persons not legally responsible.

(Source: Amended at 14 Ill. Reg. _____, effective _____)
Section 106.45 Determination of ability to pay services charges

- a) The Department, in determining the ability of the responsible person (recipient, responsible relative, guardian, trustee and/or payee) to pay services charges, shall assemble any necessary information pertaining to his or her financial status and shall then set the amount for which the responsible person shall be held liable. Recipients and all responsible persons must furnish financial information on admission or as soon thereafter as possible to enable the Department to make a proper determination of the sources available for the cost of services charges. The liability for payment of services charges shall be based on information available at the time of determination. (Such data may include savings, trusts, wills, evidence of indebtedness, evidence of court-ordered payments, and the like.) Each person for whom a determination has been made shall be issued a form DMHDD-612, Notice of Determination, notifying the person of his or her liability. Such notice shall be issued even when current determined liability is \$0.00.

- b) When there is a demonstrated ability to pay, payment for services is an obligation established by Sections 5-100 through 5-117 of the Mental Health and Developmental Disabilities Code against the

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recipient, responsible relatives, guardians, trustees and/or payees (Ill. Rev. Stat. 1987 1989, ch. 91½, pars. 5-100 through 5-117).

- c) If the responsible person fails to submit financial information as requested, the Department may assess services charges at the maximum rate of charge as provided in Section 106.25 until such information is supplied and an actual assessment can be determined. In the absence of billing during the period covered in such instances, the Department may consider that notices and requests for information as previously sent shall constitute ample notice of liability and indebtedness for such period. However, in subsequent review or annual redetermination involving responsible relatives, no services charges shall be retroactively established prior to the date of contact for financial information.

- d) Subsequent review could be initiated by the recipient of services prior to the annual redetermination due to changes in ability to pay or as a result of an administrative hearing or by the Board of Reimbursement Appeals. Recipients and responsible relatives have a responsibility to inform the Department of any changes.

- e) Liability of responsible relatives shall be reviewed annually and such responsible relatives shall be requested to submit copies of their most recent U.S. Individual Income Tax Return. This information will be used as a basis for determining services charges in accordance with this Part and the schedule of charges in Section 106. Table A.

- f) The determination by the Department of the liability of a responsible person to pay an amount up to the maximum rate as established in Sections 106.25 and 106.25(b) shall continue in force until the Department determines a different amount on the basis of changes in circumstances surrounding the person's ability to pay, or until a change has been made in the standards of ability to pay set forth in Sections 106.25 and 106.25(b) or until a release from or a modification of services charges is granted upon a hearing on the petition of a person liable in accordance with Section 106.75 and Section 5-111 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1987 1989, ch. 91½, par. 5-111).

- g) The determination of the ability to pay and amount of liability of the recipient for services charges, up to the prevailing maximum rate established for recipients in Section 106.25, shall be based on all assets and income of the recipient. After considering the recipient's legal dependent's financial needs as covered in Section

DEPARTMENT OF MENTAL HEALTH AND
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106.45(j), all resources and assets are reduced to the allowable reserve exemption in accordance with Section 106.45(h).

- h) The allowable reserve exemption, as provided for in Section 5-106 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 5-106), is determined by the amount of assets owned at the time of the recipient's admission except that the allowable reserve exemption from all sources cannot exceed \$1,500+00 that established by the Illinois Department of Public Aid at 89 Ill. Adm. Code 120.382. The recipient's allowable reserve exemption can only be increased by the unused portions of the monthly \$40+00 personal and clothing allowance or unspent workshop or other monetary incentive funds, such as living skills program funds. Payments to be paid by the recipient for services charges may not be deferred to build a maximum of \$1,500+00 reserve up to the maximum amount allowed.

- i) If the recipient becomes eligible and is approved for Medicaid (42 U.S.C.A. 1396a et seq., 1983), 42 CFR 430 et seq., 1982 and Illinois Department of Public Aid rules (89 Ill. Adm. Code 120.40 and 120.382) govern the allowable reserve and personal and clothing allowance.

- j) Prior to the assessment of services charges against a recipient of services, the Department shall review the financial needs of the recipient's legal dependents. The financial needs of these legal dependents shall be based on amounts expended up to an amount equal to the minimum yearly income for which a responsible relative would be subject to a charge as shown in Section 106. Table A. Any amounts as allowed which are not expended for support of legal dependents claimed on the recipient's U.S. Individual Income Tax Return, shall be subject to services charges.

- k) When it is necessary for the Department to disclose information in order to collect services charges, such disclosure shall be limited to information needed to pursue collection, and the information so disclosed shall not be used for any other purpose nor shall it be redisclosed except in connection with such collection activities (Section 11 of the Mental Health and Developmental Disabilities Confidentiality Act, Ill. Rev. Stat. 1987 1989, ch. 91½, par. 811.)

(Source: Amended at 14 Ill. Reg. _____, effective _____)

- 1) The Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140 ⁶⁴¹⁶
- 3) Section Number: Proposed Action:
140.523 Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking addresses inclusion of certain nonpayable bed reserve stays in calculating the 93% occupancy level for purposes of bed reserve payments. This change will help guarantee access to Medicaid residents by encouraging facilities to hold beds beyond the payable bed reserve period. This rulemaking also clarifies existing policy.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
Yes X No
- 7) Does this rulemaking contain an automatic repeal date?
Yes X No
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.24	Amendment	April 13, 1990 (14 Ill. Reg. 5417)
140.413	Amendment	March 30, 1990 (14 Ill. Reg. 4860)
140.461	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.462	Amendment	April 20, 1990 (14 Ill. Reg. 5726)

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.463	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.471	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.472	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.473	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.474	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.475	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.478	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.479	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.485	Amendment	September 7, 1990 (14 Ill. Reg. 14317)
140.486	Repealed	September 7, 1990 (14 Ill. Reg. 14317)
140.487	Amendment	September 7, 1990 (14 Ill. Reg. 14317)

NOTICE OF PROPOSED AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
140.488	New Section	September 7, 1990 (14 Ill. Reg. 14317.)
140.528	Amendment	May 11, 1990 (14 Ill. Reg. 7027)
140.529	Amendment	May 11, 1990 (14 Ill. Reg. 7027)
140.539	Amendment	July 6, 1990 (14 Ill. Reg. 10629)
140.542	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.543	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.544	Repealed	March 23, 1990 (14 Ill. Reg. 4415)
140.545	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.562	Amendment	August 31, 1990 (14 Ill. Reg. 14317.)
140.569	Amendment	May 25, 1990 (14 Ill. Reg. 7834)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
140.646	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.647	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.648	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.649	Amendment	March 23, 1990 (14 Ill. Reg. 4415)

NOTICE OF PROPOSED AMENDMENT

Section Numbers	Proposed Action	Illinois Register Citation
140.650	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.652	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140. Table A	Repealed	September 7, 1990 (14 Ill. Reg. 14317.)
140. Table H	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.		
11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Daniel Leikvold, Staff Attorney, Office of the General Counsel, Illinois Department of Public Aid, Jesse B. Harris Building II, 100 South Grand Avenue East, 3rd Floor, Springfield, Illinois 62762 (217)782-1233. The Department will consider all written comments it receives within 30 days of the date of publication of this notice.		
12) Initial Regulatory Flexibility Analysis:		
A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 28, 1990		
B) Types of small businesses affected: Medical Providers		
C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required		
D) Types of professional skills necessary for compliance: No new skills required.		

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- Section
140.1
140.2
140.3
140.4
140.5
140.6
140.7
140.8
140.9
140.10
- Incorporation By Reference
Medical Assistance Programs
Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles Iff, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1,

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1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128,

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effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg.

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17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART E: GROUP CARE

Section 140.523 Bed Reserves

- a) All bed reserves must:
- 1) be authorized by a physician (and in the case of hospitalization, the physician must anticipate that the hospitalization will not exceed 10 days);
 - 2) have post payment approval from the Bureau of Long Term Quality Care nurse based on satisfying the requirements of this Section;
 - 3) be limited to recipients who desire to return to the same facility; and
 - 4) be limited to facilities having a 93 percent or higher occupancy level. The occupancy level shall be calculated including paid-both payable and non-payable (non-payable defined as those residents that have transitioned from the maximum days allowed for payable bed reserve to non-payable bed reserve status) bedhold days as occupied beds.

b) Payment may be approved for hospitalization for a period not to exceed 10 days per hospital stay. The day the recipient is transferred to the hospital is the first day of the reserve bed period.

c) Payment may be approved for home visits which have been indicated by a physician as therapeutically beneficial. In such instances, bed reserve is limited to 7 consecutive days in a billing month or 10 non-consecutive days in a billing month. The day after the recipient leaves the facility is the first day of the reserve bed period. Home visits may be extended with the approval of the Department.

d) The Bureau of Long Term Quality Care nurse will approve ongoing therapeutic home visits based on the physician's standing orders for the individual. Standing orders for therapeutic home visits limited to 10 days per month are valid for a period not exceeding six months.

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Section 140.523 Bed Reserves (Cont'd)

- e) Payment for approved bed reserves is a daily rate at 75% of an individual's current Medicaid per diem.
- f) In no facility may the number of vacant beds be less than the number of beds identified for patients having an approved bed reserve. The number of vacant beds in the facility must be equal to or greater than the number of patients allowed bed reserve.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part:

Illinois Home Health Agency Code

2) Code Citation:

77 Ill. Adm. Code 245

3) Section Numbers:Proposed Action:

245.10 Amendments
 245.20 Amendments
 245.25 New Section
 245.30 Amendments
 245.40 Amendments
 245.50 Amendments
 245.60 Amendments
 245.80 Amendments
 245.90 New Section
 245.100 New Section
 245.110 New Section
 245.120 New Section
 245.130 New Section
 245.140 New Section
 245.150 New Section

4) Statutory Authority:

Home Health Agency Licensing Act
 Ill. Rev. Stat. 1989, ch. 111 1/2, par. 2801 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The Department of Public Health is proposing changes in the rules governing the licensure of home health agencies to implement recent changes in the Home Health Agency Licensing Act, to clarify and revise a number of the provisions of the rules, and to reorganize the rules to facilitate their use.

The changes which are needed to implement the recent statutory revisions involve a complete revision of the provisions which concern licensure procedures. They also involve the addition of provisions to address inspections and investigations by the Department, procedures for citing and resolving violations, and taking adverse licensure actions. The current provisions concerning licensure which are located in Section 245.60 are being expanded, revised, and relocated in a new Subpart C.

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Changes are also being proposed in the "student training program" provisions of the rules. Currently these provisions are limited to students who are enrolled in a program leading to a bachelor's degree in nursing. The proposed changes will broaden these provisions to allow home health agencies to include other types of health professionals in student training programs. The affected provisions include the definition of "student" in Section 245.20 and the provisions in Section 245.40(i).

The provisions concerning nutrition services are being eliminated from the rules. Specifically the Department is proposing the deletion of the definition of "dietitian/nutritionist" in Section 245.20 and the provisions concerning the responsibilities of the dietitian/nutritionist in Section 245.40(b). These provisions are unnecessary because they merely describe optional services which may be offered by a home health agency. Agencies may continue to offer these services after the deletion of these provisions.

Changes are also being proposed in Section 245.50(a)(1) to clarify the provisions concerning the direct provision of skilled nursing services. The changes will allow agencies to provide certain specialized skilled nursing services through contractual agreements. The changes will also allow agencies to utilize contracted nursing services to meet increases in caseloads.

The addition of a list of incorporated and referenced materials is also being proposed. This list is being added as Section 245.25.

The Department anticipates little, if any, economic impact of these proposed amendments on the persons regulated. The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will these Proposed Amendments Replace an Emergency Rule Currently in Effect? No.

7) Does this Rulemaking contain an Automatic Repeal Date? No.

8) Do these Proposed Amendments Contain Incorporations By Reference? No.

9) Are there any other Proposed Amendments Pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a state mandate.

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- 11) Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:

Interested persons may present their comments concerning these rules by writing to Robert John Kane, Division of Governmental Affairs, Illinois Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, within 45 days after this edition of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Administrative Procedure Act, any small business may present their comments in writing to Robert John Kane at the above address.

Any small business (as defined in Section 3.10 of the Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

- A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

August 27, 1990

- B) Type of Small Businesses Affected:

Home health agencies, nursing services

- C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

No additional reporting, bookkeeping or other procedures are required for compliance.

- D) Types of Professional Skills Necessary for Compliance:

No additional professional skills are necessary for compliance.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 245

ILLINOIS HOME HEALTH AGENCY CODE

SUBPART A: GENERAL PROVISIONS

Section
245.10
245.20
245.25

Purpose
Definitions
Incorporated and Referenced Materials

SUBPART B: OPERATIONAL REQUIREMENTS

Section
245.30
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245.50
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245.70

Organization and Administration ~~Organization~~
Staffing ~~Staffing~~ and Staff Responsibilities
Services
Annual Financial Statement ~~Licensee~~
Requirements for State Approved Home Health Aide Training Programs

SUBPART C: LICENSE PROCEDURES

Section
245.80
245.90
245.100
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245.130
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245.150

License Required
License Application
Provisional License
Inspections and Investigations
Violations
Adverse License Actions
Penalties and Fines
Hearings

AUTHORITY: Implementing and authorized by the Home Health Agency Licensing Act (Ill. Rev. Stat. 1989 ~~1987~~, ch. 111 1/2, par. 2801 et seq.)

SOURCE:

Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983;

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codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 14 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 245.10 Purpose

a) This Part has been adopted ~~The following rules and regulations are set forth~~ in accordance with Section 6 of the Home Health Agency Licensing Act ("the Act") (Ill. Rev. Stat. 1989-1979, ch. 111 1/2, par. 2806).

b) Home health agencies licensed under the Act and this Part may be eligible for participation in the Federal Medicare program under the rules of the Federal Health Care Financing Administration (42 CFR 484.1 through 484.40).

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 245.20 Definitions

"Administrator" - shall be any one of the following:

- a physician;
- a registered nurse;
- an individual with at least one year of supervisory or administrative experience in home health care or in related health provider programs; or

an individual who meets the requirements for Public Health Administrator as contained in 77 Ill. Adm. Code 600.300 of the "Minimum Qualifications for Public Health Department Personnel Employed by Full-Time Local Health Departments" (77 Ill. Adm. Code 600) as promulgated by the Department.

"Agency" - refers to Home Health Agency unless otherwise designated.

"Branch Office" - a location or site from which a home health agency provides services within a portion of the total geographic area

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Section 245.20 (continued)

served by the parent agency. The branch office is part of the home health agency and is located sufficiently close to share administration, supervision and services in a manner that renders it unnecessary for the branch independently to meet the conditions of participation as a home health agency.

"Bylaws or Equivalent" - a set of rules adopted by a home health agency for governing the agency's operation.

"Clinical Note" - a dated, written notation by a member of the health team of a contact with a patient containing a description of signs and symptoms, treatment and/or drug given, the patient's reaction and any changes in physical or emotional condition.

"Clinical Record" - an accurate account of services provided for each patient and maintained by the agency in accordance with accepted professional standards.

"DEPARTMENT" - THE DEPARTMENT OF PUBLIC HEALTH, OF THE STATE OF ILLINOIS. (Section 2.01 of the ~~Home Health Agency Licensing Act ("the Act")~~, Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2802.01)

~~"Dietitian/Nutritionist" - a person who has a baccalaureate degree from an accredited college or university with major studies in food and human nutrition, dietetics, nutritional care of community nutrition; has approved clinical experience which meet the requirements to write the registration examination and to be eligible for membership in the American Dietetic Association; and has two years of full-time experience as Dietitian/Nutritionist, at least one of which is in a community health agency with consultant and teaching responsibilities. A Master's Degree from an accredited college or university with major studies in public health, nutrition or family development may be substituted for one year of the work experience.~~

~~"DIRECTOR" - THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH OF THE STATE OF ILLINOIS, OR HIS DESIGNEE. (Section 2.02 of the Act)~~

~~"Discharge Summary" - the written report of services rendered, goals achieved and final disposition at the time of discharge from service.~~

~~"Geographic Service Area" - the area from which patients are drawn. This area is to be clearly defined by readily recognizable boundaries.~~

~~"HOME HEALTH AGENCY" - A PUBLIC AGENCY OR PRIVATE ORGANIZATION WHICH~~

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Section 245.20 (continued)

PROVIDES SKILLED NURSING SERVICES AND AT LEAST ONE OTHER HOME HEALTH SERVICE AS DEFINED in this Part. (Section 2.04 of the Act)

"Home Health Aide" - a person who shall have training in those supportive services which are required to provide personal care, emotional comfort and to assist the patient toward independent living in a safe environment. Persons employed as home health aides shall be selected on the basis of such factors as emotional and mental maturity, interest and sympathetic attitude toward caring for the sick, willingness to participate in a continuous learning process, and the ability to communicate through reading, writing and carrying out instructions. On and after April 1, 1980, every agency employing home health aides shall insure through verification that all newly employed home health aides have completed a basic course of instruction. The course content shall meet guidelines established by the Department. The agency shall further insure through verification that all incumbent home health aides shall have completed the basic course, or in lieu thereof, have satisfactorily demonstrated proficiency in a performance test which measures the level of competency in the assigned tasks. The performance test shall meet guidelines established by the Department. The performance test shall be administered by a registered nurse employed by the agency.

"HOME HEALTH SERVICES" - SERVICES PROVIDED TO A PERSON AT HIS RESIDENCE ACCORDING TO A PLAN OF TREATMENT FOR ILLNESS OR INFIRMITY PRESCRIBED BY A PHYSICIAN. SUCH SERVICES INCLUDE PART-TIME AND INTERMITTENT NURSING SERVICES AND OTHER THERAPEUTIC SERVICES SUCH AS PHYSICAL THERAPY, OCCUPATIONAL THERAPY, SPEECH THERAPY, MEDICAL SOCIAL SERVICES OR SERVICES PROVIDED BY A HOME HEALTH AIDE. (Section 2.05 of the Act)

"Licensed Practical Nurse" - a person currently licensed as a licensed practical nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989 ~~1987~~, ch. 111, par. 3501 et seq.).

"Medical Social Worker" - a person who has a master's degree from a school of social work accredited by the Council on Social Work Education, currently licensed in the State of Illinois, and has one year of social work experience in a health care setting.

"Occupational Therapist" - a person who is licensed as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.) and meets one or more of the following requirements:

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Section 245.20 (continued)

is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association, or

is eligible for the National Registration Examination of the American Occupational Therapy Association, ~~1~~ or ~~2~~

has two years of appropriate experience as an occupational therapist and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such examinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualification as an occupational therapist after December 31, 1977.

"Occupational Therapy Assistant" - a person who is licensed as an occupational therapy assistant under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.) and meets one or more of the following requirements:

meets the requirements for certification as an occupational therapy assistant established by the American Occupational Therapy Association, ~~1~~ or ~~2~~

has two years of appropriate experience as an occupational therapy assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualification as an occupational therapy assistant after December 31, 1977.

"Part Time or Intermittent Care" - home health services given to a patient at least once every ~~sixty~~ ~~60~~ days or as frequently as a few hours a day, several times per week.

"Patient" - a person who is under treatment or care for illness, disease, injury or conditions appropriately responsive to home health services to maintain health or prevent illness.

"Patient Care Plan" - a coordinated and combined care plan prepared by and in collaboration with each discipline providing service to the patient, ~~and/or~~ to the patient's family, or to both.

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Section 245.20 (continued)

"PERSON" - ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, COMPANY, ASSOCIATION OR ANY OTHER LEGAL ENTITY. (Section 2.03 of the Act)

"Physical Therapist" - a person who is licensed as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111, par. 4251 et seq.) ~~by the State of Illinois~~ and who meets the qualifications for physical therapists under the Federal Conditions of Participation for Home Health Agencies established by the Health Care Financing Administration (42 CFR 484.1 through 484.40) ~~CUSC 42 Section 1395x Health Insurance for the Aged Act~~.

"Physical Therapist Assistant" - a person who qualifies as a physical therapist assistant under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111, par. 4251 et seq.) and who meets the qualifications for physical therapist assistants under the Federal Conditions of Participation for Home Health Agencies established by the Health Care Financing Administration (42 CFR 484.1 through 484.40) ~~has graduated from a two-year college-level program approved by the American Physical Therapy Association or has two years of appropriate experience as a physical therapist assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualifications as a physical therapist assistant after December 31, 1977.~~

"Physician ~~PHYSICIAN~~" - Any person licensed ~~ANY PERSON LICENSED~~ by the Illinois Department of Professional Regulation to practice medicine in all of its branches ~~TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES~~ under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989 ~~1987~~, ch. 111, par. 4400-1 et seq.). For a patient who has received medical care in another state, or has moved from another state, and who has not secured the services of a physician licensed in Illinois, an individual who holds an active license to practice medicine in another state will be considered the physician for the patient during this emergency (as determined by the physician) as provided in Section 3 of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989 ~~1987~~, ch. 111, par. 4400-3). Such an emergency may not extend more than six months in any case.

"Plan of Treatment" - a plan based on the patient's diagnosis and the assessment of the patient's immediate and long range needs and resources. The plan of treatment is established in consultation with the home health services team which includes the attending physician,

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Section 245.20 (continued)

pertinent members of the agency staff, the patient, and members of the family.

"Professional Advisory Group" - a group composed of at least one practicing physician, one registered nurse (preferably a public health nurse), and with appropriate representation from other professional disciplines which are participating in the provision of home health services. It is highly recommended that a consumer be a member of the group. At least one member of the group is neither an owner nor an employee of the agency.

"Progress Notes" - a dated, written notation by a member of the health team, summarizing facts about care and the patient's response during a given period of time.

"Public Health Nurse" - a registered nurse who has completed a baccalaureate degree program approved by the National League for Nursing for public health nursing preparation.

"Purchase of Services/Contractual" - the provision of services through a written agreement with other providers of services.

"Registered Nurse" - a person who is currently licensed as a registered nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.).

"Social Work Assistant" - a person who has a baccalaureate degree in social work, psychology, sociology, or other field related to social work and has had at least one year of social work experience in a health care setting; or has two years of appropriate experience as a social work assistant and has achieved a satisfactory grade on a proficiency examination conducted, approved or sponsored by the U.S. Public Health Service, except that such determinations of proficiency do not apply with respect to persons initially licensed by a state or seeking initial qualifications as a social work assistant after December 31, 1977.

"Speech Pathologist or Audiologist" - a person who is licensed as a speech-language pathologist or as an audiologist under the Illinois Speech-Language Pathology and Audiology Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 7901 et seq.) and meets one or more of the following requirements:

meets the education and experience requirements for a Certificate of Clinical Competence in the appropriate area

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Section 245.20 (continued)

(speech pathology or audiology) granted by the American Speech and Hearing Association, ~~or~~ or

meets the education requirements for certification and is in the process of accumulating the supervised experience required for certification.

"Student ~~Nurse~~" - an individual who is ~~a nursing student~~ enrolled in an educational institution and who is receiving training in a health-related profession ~~leading to a Bachelor of Science in Nursing degree~~

"Subdivision" - a component of a multi-function health agency, such as the home care department of a hospital or the nursing division of a health department, which independently meets the federal conditions of participation for home health agencies. A subdivision which has branches is regarded as a parent agency.

"Subunit" - a semi-autonomous organization, which serves patients in a geographic area different from that of the parent agency. The subunit by virtue of the distance between it and the agency is judged incapable of sharing administration, supervision and services.

"Summary Report" - a compilation of the pertinent factors from the clinical notes and progress notes regarding a patient, which is submitted to the patient's physician.

"Supervision" - authoritative procedural guidance by a qualified person of the appropriate discipline.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 245.25 Incorporated and Referenced Materials

a) The following regulations, standards, and statutes are incorporated or referenced in this Part:

1) Federal Government Regulations: Department of Health and Human Services, Health Care Financing Administration, Medicare Program Conditions of Participation for Home Health Agencies (42 CFR 484.1 through 484.40).

2) State of Illinois Statutes:

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Section 245.25(a)(2) (continued)

- A) Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.)
- B) Business Corporation Act of 1938 (Ill. Rev. Stat. 1989, ch. 32, par. 1.01 et seq.)
- C) Illinois Administrative Procedure Act (Ill. Rec. Stat. 1989, ch. 127, par. 1001 et seq.)
- D) Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.)
- E) Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.)
- F) Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111, par. 4251 et seq.)
- G) Illinois Speech-Language Pathology and Audiology Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 7901 et seq.)
- H) Local Records Act (Ill. Rev. Stat. 1989, ch. 116, par. 43.101 et seq.)
- I) Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4401 et seq.)

3) State of Illinois Rules:

- A) Department of Public Health, Minimum Qualifications for Public Health Department Personnel Employed by Full-Time Local Health Departments (77 Ill. Adm. Code 600).
- B) Department of Public Health, Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations in this Part refer to the regulations or standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Added at 14 Ill. Reg. _____, effective _____)

SUBPART B: OPERATIONAL REQUIREMENTS

Section 245.30

Organization and Administration ~~Organization~~

- a) Governing Body. The home health agency shall have a governing body or a clearly defined body having legal authority and responsibility for the conduct of the home health agency. Where the governing body of a large organization is functionally remote from the operation of the home health agency, the Department may approve the designation of an intermediate level "governing body." For the purposes of this Section the governing body shall:

- 1) Have bylaws or the equivalent which shall be reviewed annually and be revised as needed. They shall be made available to all members of the governing body and of the professional advisory group. The bylaws or the equivalent shall specify the objectives of the agency.
- 2) Appoint members of the professional advisory group.
- 3) Employ a qualified administrator.
- 4) Adopt and revise, as needed, policies and procedures for the operation and administration of the agency.
- 5) Meet to review the operation of the agency.
- 6) Keep minutes of all meetings.
- 7) Provide and maintain an office facility adequately equipped for efficient work and which provides a safe working environment in compliance with local ordinances and fire regulations.

b) Professional Advisory Group

- 1) The professional advisory group shall assist in developing and recommending policies and procedures for administration and home health services provided by the agency. These policies and procedures shall be in accordance with the scope of services offered by the agency and based on the home health needs of the patient and the area being served. Policies and procedures shall be reviewed annually or more frequently as needed to determine their adequacy and suitability. Recommendations for any improvements are made to the Governing Body. These policies and procedures shall include but not be limited to:

Section 245.30(b)(1) (continued)

- A) Administration and supervision of the agency and the home health services it provides.
- B) Criteria for the acceptance, non-acceptance and discharge of patients.
- C) Home Health Services.
- D) Medical supervision and plans of treatment.
- E) Patient care plans.
- F) Clinical records.
- G) Personnel data.
- H) Evaluation.
- I) Coordination of services.
- 2) The group shall keep minutes of its meetings and meet as often as necessary to carry out its purposes.
- c) Administration
 - 1) The home health agency shall have written administrative policies and procedures to insure the provision of safe and adequate care of the patient.
 - 2) The home health agency shall show evidence of liability insurance.
- d) Agency Supervision
 - 1) ~~A)~~ The home health agency shall designate a person with one of the following sets of qualifications to supervise the provision of home health services:
 - A) a physician;
 - B) a registered nurse who is a public health nurse with at least one ~~4~~ year of nursing experience; or
 - C) a registered nurse who is not a public health nurse, but who has at least three ~~4~~ years of nursing experience.

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Section 245.30(d)(1)(C) (continued)

which meets the following requirements:

1) At least two ~~(2)~~ years of such nursing experience must have been in either: ~~i)~~ a home health agency; ~~ii)~~ a community health program that included care of the sick; or, ~~iii)~~ a generalized family centered nursing program in a community health agency.

ii) ~~8)~~ At least two ~~(2)~~ years of the three ~~(3)~~ years nursing experience must have been obtained within five ~~(5)~~ years prior to current employment with the home health agency. ~~Such services shall be provided in accordance with the orders of the patient's physician and under a plan of treatment established by such physician.~~

2) The agency supervisor ~~this person~~ shall be available at all times during operating hours of the agency and participate in all activities relevant to the provision of home health services.

3) ~~1)~~ Any person employed as an agency supervisor prior to July 1, 1983, may continue to serve in that capacity at that agency only, without meeting ~~even though he/she may not meet~~ the qualifications for agency supervisor which were in effect prior to October 1, 1983.

4) ~~ii)~~ One person may hold the positions of both administrator and agency supervisor, if that person ~~he/she~~ meets the requirements of both positions.

e) Supervising Nurse

1) ~~2)~~ The skilled nursing service of a home health agency shall be under the supervision of a full-time registered nurse.

2) The ~~this~~ supervising nurse shall be responsible for:

A) The overall supervision of all registered nurses, licensed practical nurses and home health aides.

B) The assurance that the professional standards of community nursing practice are maintained by all nurses providing care.

C) Maintaining and adhering to agency procedure and patient care policy manuals.

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Section 245.30(e)(2) (continued)

D) Participation in the establishment of service policies and procedures.

E) Participation in the selection of nursing personnel and the evaluation of nursing personnel.

F) Coordination of patient care services.

G) Keeping and maintaining records of case assignments and case management.

H) Preparation and maintenance of scheduling of cases to be brought to the clinical record review committee.

I) The conduct of selective program evaluations to improve deficient services and the development and implementation of plans of correction.

f) ~~e)~~ Personnel Policies

1) Personnel policies applicable and available to all full and part time employees shall include but not be limited to the following:

A) Wage scales, fringe benefits, hours of work and leave time.

B) Requirements for an initial health evaluation of each new employee who has contact with patients, including a physical examination and any other components as specified by the governing body.

C) Orientation to the home health agency and appropriate continuing education.

D) Job descriptions for all positions utilized by the agency.

E) Annual performance evaluation for all employees.

F) Compliance with all applicable requirements of the Civil Rights Act of 1964.

G) Provision for confidentiality of personnel records.

H) Employee health policies which require employees to report health symptoms and exposure to any communicable or infectious disease and which specify conditions under which

Section 245.30(f)(1)(H) (continued)

employees are to be removed from patient contact and conditions under which employees may resume patient contact.

- 2) Personnel records for all employees shall include the name and address of the employee, social security number, date of birth, name and address of next of kin, evidence of qualifications (including any current licensure, ~~and/or~~ registration, or certification which is required by law for the functions performed ~~if applicable~~), dates of employment and separation from the agency and the reason for separation.
- 3) Home health agencies that provide other home health services under arrangement through a contractual purchase of services shall ensure that these services are provided by qualified personnel, who hold any current licensure, registration, or certification which is required by law for the functions performed ~~currently licensed and/or registered if applicable~~, under the supervision of the agency.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 245.40 Staffing ~~and~~ Staff Responsibilities

a) Administrator. The administrator shall have the following responsibilities:

- 1) Ensure that the agency is in compliance with all applicable Federal, State and Local laws.
- 2) Be familiar with the rules of the Department and maintain them within the agency.
- 3) Familiarize all employees as well as providers through contractual purchase of services with the law and the rules of the Department and make copies available for their use.
- 4) Ensure the completion, maintenance and submission of such reports and records as required by the Department.
- 5) Maintain ongoing liaison with the governing body, professional advisory group, staff members and the community.
- 6) Maintain a current organizational chart to show lines of authority down to the patient level.

Section 245.40(a) (continued)

- 7) Have the authority for the management of the business affairs and the overall operation of the agency.
- 8) Maintain appropriate personnel records, administrative records and all policies and procedures of the agency.
- 9) Employ qualified personnel in accordance with job descriptions.
- 10) Provide orientation of new staff, regularly scheduled in-service education programs and opportunities for continuing education for the staff.
- 11) Designate in writing the qualified staff member to act in the absence of the administrator.

~~b) Dietitian/Nutritionist~~

- ~~1) Nutrition is recognized as an important component of the total health status of all persons. Because state and community health agencies are concerned with the total health care of all, nutrition services must be considered a vital element in all home health agencies' programs. When a home health agency elects to provide nutrition services, these services shall include an evaluation of the nutritional assessments of patients, the results of which shall be included in the patient care plan.~~
- ~~2) The responsibilities of the Dietitian/Nutritionist shall include, but not be limited to, the following:~~
 - ~~A) Developing and implementing a plan of nutrition services based on program objectives.~~
 - ~~B) Developing written policies and procedures for the nutrition services of the home health agency.~~
 - ~~C) Assuming responsibility for evaluating nutritional status.~~
 - ~~D) Insuring that the patient care plan includes a nutrition component.~~
 - ~~E) Assisting agency staff in strengthening knowledge and skills in nutrition practice through conferences and continuing education and in-service training programs.~~

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Section 245.40(a) (continued)

- ~~f) Selecting, preparing and evaluating teaching materials and aids for patient counseling and education.~~
- ~~g) Furnishing direct nutrition counseling services to the patient when the unique knowledge and skills of the Dietitian/Nutritionist are indicated.~~
- ~~h) Developing a record system for the communication of appropriate nutrition and operational data.~~
- ~~i) Administering the agency's nutrition services and preparing its operating budget recommendations.~~

b) ~~e)~~ Home Health Aide

- 1) When home health aide services are offered, the services shall be under the supervision of a registered nurse in accordance with the plan of treatment. The home health aide is assigned to a particular patient by a registered nurse. Written instructions for patient care are prepared by a registered nurse or the appropriate therapist.

2) Duties of the home health aide may include:

- A) The performance of simple procedures as an extension of therapeutic services.
 - B) Personal care.
 - C) Ambulation and exercise of the patient.
 - D) Household services essential to health care at home.
 - E) Assistance with medications that are ordinarily self-administered.
 - F) Reporting changes in the patient's condition and needs to the registered nurse or the appropriate therapist.
 - G) Completion of appropriate records.
- 3) The registered nurse or appropriate therapist shall make a supervisory visit to the patient's residence at least every two weeks either when the home health aide is present to observe and assist, or when the home health aide is absent to assess

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Section 245.40(b)(3) (continued)

relationships and determine whether goals are being met.

c) ~~d)~~ Licensed Practical Nurse

- 1) The licensed practical nurse may perform selected acts in accordance with ~~according to~~ the ~~Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.)~~, including the administration of treatments and medications in the care of the ill, injured, or infirm, the maintenance of health and prevention of illness, under the direction of a registered nurse.
- 2) The licensed practical nurse shall report changes in the patient's condition to the registered nurse and these reports shall be documented in the clinical notes.
- 3) The licensed practical nurse shall prepare clinical notes for the clinical record.

d) ~~e)~~

Medical Social Worker. When provided, medical social services shall be given by a qualified social worker or by a qualified social work assistant under the supervision of a qualified social worker in accordance with the plan of treatment. These services shall include the following:

- 1) Assists the physician and other members of the health team in understanding significant social and emotional factors related to the patient's health problems.
- 2) Assesses the social and emotional factors in order to estimate the patient's capacity and potential to cope with the problems of daily living.
- 3) Helps the patient and family to understand, accept and follow medical recommendations and provide services planned to restore the patient to the optimum social and health adjustment within the patient's capacity.
- 4) Assists patient and family with personal and environmental difficulties which predispose toward illness or interfere with obtaining maximum benefits from medical care.
- 5) Utilizes all available resources, such as family and community agencies, to assist the patient to resume life in the community or to live within the disability.

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Section 245.40(d) (continued)

- 6) Observe, record and report social and emotional changes.
- 7) Prepares clinical and progress notes for the clinical record.
- e) ~~f)~~ Occupational Therapist and Occupational Therapy Assistant. When provided, occupational therapy services shall be given by a qualified occupational therapist or by a qualified occupational therapy assistant under the supervision of a qualified occupational therapist in accordance with the plan of treatment. These services shall include the following:
 - 1) Assist the physician in evaluating the patient's level of function by applying diagnostic and prognostic procedures.
 - 2) Guide the patient in the use of therapeutic creative and selfcare activities for the purpose of improving function.
 - 3) Observe, record and report to the physician the patient's reaction to treatment and any changes in the patient's condition.
 - 4) Instruct other health team personnel including, when appropriate, home health aides and family members in certain phases of occupational therapy in which they may work with the patient.

5) Prepares clinical and progress notes for the clinical record.

f) ~~g)~~ Physical Therapist and Physical Therapist Assistant

- 1) When provided, physical therapy services shall be given by a qualified physical therapist or by a qualified physical therapist assistant under the supervision of a qualified physical therapist in accordance with the plan of treatment. These services shall include the following:
 - A) Review and evaluate physician's referral and patient's medical record to determine physical therapy required.
 - B) Plan and prepare written treatment program based on the evaluation of available patient data.
 - C) Perform patient tests, measurements, and evaluations, such as range-of-motion and manual muscle tests, gait and functional analyses, and body parts measurements, and record and evaluate findings to aid in establishing or

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Section 245.40(f)(1)(C) (continued)

- revising specifics of treatment programs.
- D) Plan and administer prescribed physical therapy treatment programs for patients to restore function, relieve pain, and prevent disability following disease, injury or loss of body part.
- E) Administer manual therapeutic exercises to improve or maintain muscle function, applying precise amounts of manual force and guiding patient's body parts through selective patterns and degrees of movement. Instruct, motivate and assist patient in non-manual exercises, such as active regimens, isometric and progressive resistive, and in functional activities using available equipment and assistive and supportive devices, such as crutches, walkers, canes, orthoses and prostheses. Administer treatment involving application of physical agents, such as heat, light, cold, water and electricity. Administer traction and massage. Evaluate, fit and adjust prosthetic and orthotic devices and recommend modifications to the orthotist/prosthetist.
- F) Observe, record and report to the physician the patient's treatment, response and progress.
- G) Instruct other health team personnel including, when appropriate, home health aides and family members in certain phases of physical therapy with which they may work with the patient.
- H) Instruct patient and family in total physical therapy program.
- I) Prepares clinical and progress notes for the clinical record.
- 2) Supervision of the physical therapist assistant shall include the following:
 - A) A registered physical therapist must be accessible by telephone to the physical therapist assistant at all times while the physical therapist assistant is treating patients.
 - B) On-site supervision should take place every four to six ~~4-6~~ visits. If less than four to six ~~4-6~~ visits are

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Section 245.40(f)(2)(B) (continued)

made by the physical therapist assistant in a two month period, the physical therapist assistant must be supervised at least once during that two month period.

- C) Supervision does not constitute treatment.
- D) The supervisory visit should include a complete on-site functional assessment, an on-site review of activities with appropriate revision of treatment plan, and an assessment of the utilization of outside resources.
- 3) The physical therapist assistant shall:
 - A) Be directed by and under the supervision of a registered physical therapist.
 - B) Administer the physical therapy program as established by the physical therapist.
 - C) Administer non-complex active and passive manual therapeutic exercises, therapeutic massage, traction, heat, light, cold, water and electrical modalities to patients with relatively stable conditions.
 - D) Instruct, motivate and assist patients in learning and improving functional activities such as perambulation, transfers, ambulation and activities of daily living.
 - E) Observe patient's progress and response to treatment and report to the physical therapist.
 - F) Confer with members of the health care team for planning, modifying, and coordinating treatment programs.

g) ~~h)~~ Registered Nurse. Skilled nursing services shall be given by a registered nurse in accordance with the plan of treatment. These services shall include the following:

- 1) Have the responsibility for the observation, assessment, nursing diagnosis, counsel, care and health teaching of the ill, injured or infirm, and the maintenance of health and prevention of illness of others.
- 2) Maintain a clinical record for each patient receiving care.

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Section 245.60(g) (continued)

- 3) Provide progress notes to the patient's physician about patients under care when the patient's conditions change or there are deviations from the plan of care or at least every sixty days.
- 4) Make home health aide assignments, prepare written instructions for the aide and supervise the aide in the home.
- 5) Direct the activities of the licensed practical nurse.
- 6) Administer medications and treatments as prescribed by the patient's physician.
- 7) Act as the coordinator of the health care team in order to maintain the proper linkages within a continuum of care.

h) ~~i)~~ Speech Pathologist. When provided, speech therapy services shall be given by a qualified speech pathologist in accordance with the plan of treatment. These services shall include the following:

- 1) Assist the physician in determining and recommending appropriate speech and hearing services.
- 2) Evaluate the patient's speech and language abilities and establish a plan of treatment.
- 3) Provide rehabilitation services for speech and language disorders.
- 4) Record and report to the patient's physician the patient's progress in treatment and any changes in the patient's condition and plan of care.
- 5) Instruct other health team personnel and family members in methods of assisting the patient in improving communication skills.
- 6) Prepares clinical and progress notes for the clinical record.

i) ~~j)~~ Student Nurse Training Program. When an agency elects to participate with an educational institution to provide clinical ~~community health nursing~~ experience for students as part of their ~~Bachelor of Science in Nursing curriculum~~ health-related professional training, there shall be a written agreement between the agency and each educational institution. The agreement ~~specifies~~ must specify the responsibilities of the agency and the educational

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NOTICE OF PROPOSED AMENDMENTS

Section 245.40(i) (continued)

institution. The agreement ~~includes~~ shall include at a minimum the following provisions:

- 1) The agency retains the responsibility for client care.
- 2) The educational institution retains the responsibility for student education.
- 3) The student and faculty performance expectations.
- 4) Faculty supervision of undergraduate students in the clinic and the field.
- 5) Ratio of faculty to students.
- 6) Confidentiality regarding patient information.
- 7) Required insurance coverage.
- 8) Provisions for joint evaluation by the agency and ~~the~~ faculty of the students' performance and of the training program ~~student program evaluation~~.

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 245.50 Services

a) Services Provided

- 1) Each agency shall provide skilled nursing service and at least one other home health service on a part-time or intermittent basis. The basic skilled nursing service shall be provided directly by agency staff. Other home health services may be provided by agency staff directly or provided under arrangement through a contractual purchase of services. Additional skilled specialty nursing services and use of additional nursing staff to meet changes in caseload may be provided by contract. All services shall be provided in accordance with the orders of the patient's physician, ~~and~~ under a plan of treatment established by such physician, and under the supervision of agency staff.

- 2) The agency shall state in writing what services will be provided directly and what services will be provided under arrangements.

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Section 245.50(a) (continued)

- 3) Services provided under arrangements shall be through a written agreement which includes but is not limited to the following:

- A) Services to be provided.
- B) Provision for adherence to all applicable agency policies and personnel requirements, including requirements for initial health evaluations and employee health policies.
- C) Designation of full responsibility for agency control over contracted services.
- D) Procedures for submitting clinical and progress notes.
- E) Charges for contracted services.
- F) Statement of responsibility of liability and insurance coverage.
- G) Period of time in effect.
- H) Date and signatures of appropriate authorities.
- I) Provision for termination.

- b) Acceptance of Patients. Patient acceptance and discharge policies shall include but not be limited to the following:

- 1) Persons shall be accepted for health service on a part-time or intermittent basis upon a plan of treatment established by the patient's physician. This plan shall be reduced to writing within 14 ~~fourteen~~ days.
- 2) Prior to acceptance, the person shall be informed of the agency's charges for the various services that it offers.
- 3) No person shall be refused service because of age, race, color, sex, marital status, national origin or source of payment. An agency is not required to accept a patient whose source of payment is less than the cost of the service.
- 4) Patients are accepted for treatment on the basis of a reasonable expectation that the patient's medical, nursing, and social needs can be met adequately by the agency in the patient's place of residence.

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Section 245.50(b) (continued)

- 5) When services are to be terminated by the home health agency, the patient is to be notified three working days in advance of the date of termination stating the reason for termination. This information shall be documented in the clinical record. When indicated, a plan shall be developed or a referral made for any continuing care.
- 6) Services shall not be terminated until such time as the registered nurse, ~~and/or~~ the appropriate therapist, or both, in consultation with the patient's physician, deem it appropriate or arrangements are made for continuing care.

c) Plan of Treatment

- 1) Skilled nursing and other home health services shall be in accordance with a plan based on the patient's diagnosis and assessment of the patient's immediate and long range needs and resources. The plan of treatment is established in consultation with the home health services team which includes the patient's physician, pertinent members of the agency staff, the patient and members of the patient's family. The plan of treatment shall include:

- A) Diagnoses.
- B) Functional limitations and rehabilitation potential.
- C) Expected outcomes for the patient.
- D) The patient's physician regimen of:
 - i) Medications.
 - ii) Treatments.
 - iii) Activity.
 - iv) Diet.
 - v) Specific procedures deemed essential for the health and safety of the patient.
 - vi) Mental status.
 - vii) Frequency of visits.

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Section 245.50(c)(1)(D) (continued)

- viii) Equipment required.
- ix) Instructions for timely discharge or referral.
- E) The patient's physician's signature and date.
- 2) Consultation with the patient's physician on any modifications in the plan of treatment deemed necessary shall be documented, and the patient's physician's signature obtained within 14 ~~fourteen~~ days of any modification of the medical plan of treatment.
- 3) The plan shall be reviewed by the home health services team every 60 ~~sixty~~ days or more often should the patient's condition warrant.
- 4) An updated plan of treatment shall be given to the patient's physician for review, ~~revision~~ for any necessary revisions, and for signature every 60 ~~sixty~~ days or more often as indicated.
- d) Patient Care Plan
 - 1) Home health services from members of the agency staff as well as those under arrangements shall be given in accordance with the plan of treatment and the patient care plan. The patient care plan shall be written by appropriate members of the home health services team based upon the plan of treatment and an assessment of the patient's needs, resources, family and environment. The initial assessment is to be made by a registered nurse. Assessment by other members of the health services team shall be made on orders of the patient's physician or by request of a registered nurse.
 - 2) The patient care plan shall be updated as often as the patient's condition indicates. The plan shall be maintained as a permanent part of the patient's record. The patient care plan shall indicate:
 - A) Patient problems.
 - B) Patient's goals, family's goals, service goals.
 - C) Service approaches to modify or eliminate problems.

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Section 245.50(d)(2) (continued)

- D) The staff responsible for a given element of service.
 - E) Anticipated outcome of service approach with an estimated time frame for completion.
 - F) Potential for discharge from service.
- e) Clinical Records. Each patient shall have a clinical record, identifiable for home health services and maintained by the agency in accordance with accepted professional standards. Clinical records shall contain:
- 1) Appropriate identifying information for the patient, household members and caretakers, medical history and current findings.
 - 2) A plan of treatment signed by the patient's physician.
 - 3) A patient care plan for the patient developed by the home health services team which is in accord with the patient's physician's plan of treatment.
 - 4) A notated medication list with dates reviewed, revised and date sent to the patient's physician.
 - 5) Initial and periodic patient assessments by the registered nurse which include documentation of the patient's functional status and eligibility for service.
 - 6) Assessments made by other members of the home health services team.
 - 7) Signed and dated clinical notes for each contact which are written the day of service and incorporated into the patient's clinical record at least weekly.
 - 8) Reports on all patient home health care conferences.
 - 9) Reports of contacts with the patient's physician by patient and staff.
 - 10) Indication of supervision of home health services by the supervising nurse, a registered nurse, or other members of the home health services team.
 - 11) Written summary reports sent to the patient's physician every

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Section 245.50(e)(1) (continued)

- 60 ~~sixty~~ days containing home health services provided, the patient's status, recommendations for revision of the plan of treatment and the need for continuation or termination of services noted.
 - 12) Written and signed confirmation of the patient's physician's interim verbal orders.
 - 13) A discharge summary giving a brief review of service, patient status, reason ~~(s)~~ or reasons for discharge and plans for post discharge needs of the patient.
 - 14) A copy of appropriate patient transfer information, when requested, if the patient is transferred to another health facility or health agency.
 - 15) Each agency shall have a written policy on records procedures and shall retain records for a minimum of five years beyond the last date of service provided. Those agencies which are subject to the Local Records Act (Ill. Rev. Stat. 1989 ~~1975~~, ch. 116, par. ~~3-3.1~~ 43.101 et seq.) should note that "except as otherwise provided by law, no public record shall be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained."
 - 16) Each agency shall have a written policy and procedure for the protection of confidentiality of patient records which explains the use of records, removal of records and release of information.
- f) Drugs and Biologicals. The agency shall have written policies governing the supervision and administration of drugs and biologicals which shall include but not be limited to the following:
- 1) All orders for medications to be given shall be dated and signed by the patient's physician.
 - 2) All orders for medications shall contain the name of the drug, dosage, frequency, method or site of injection and permission from the patient's physician if the patient, ~~and/or~~ the patient's family, or both are to be taught to give medications.
 - 3) The agency's physician or registered nurse shall check all medicines a patient may be taking to identify possible ineffective drug therapy or adverse reactions, significant side

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Section 245.50(f)(3) (continued)

effects, drug allergies, and contraindicated medications and promptly report any problem to the patient's physician.

- 4) All verbal orders for medication or change in medication orders shall be taken by the registered nurse and reduced to writing and signed by the patient's physician within seven days.
- 5) When any experimental drug ~~drugs~~, sera, allergenic desensitizing agent ~~agents~~, penicillin or any other potentially hazardous drug is administered, the registered nurse administering such drugs shall have an emergency plan and any ~~drugs~~ ~~whatever drug~~ and ~~for~~ devices which may be necessary ~~are appropriate~~ in the event of a drug reaction.

- g) Evaluation. The home health agency shall have written policies and is required to make an overall evaluation of the agency's total program at least once a year. This evaluation shall be made by the Professional Advisory Group (or a committee of this group), home health agency staff, consumers, or representation from professional disciplines which are participating in the provision of home health services. The evaluation consists of an overall policy and administrative review and a clinical record review. The evaluation shall assess the extent to which the agency's program is appropriate, adequate, effective and efficient. Results of the evaluation shall be reported to and acted upon by those responsible for the operation of the agency and maintained separately as administrative records.

- h) Policy and Administrative Review. As a part of the evaluation process the policies and administrative practices of the agency are reviewed to determine the extent to which they promote patient care that is appropriate, adequate, effective and efficient. Mechanisms are established in writing for the collection of pertinent data to assist in evaluation. The data to be considered may include but are not limited to: number of patients receiving each service offered, number of patient visits, reasons for discharge, breakdown by diagnosis, sources of referral, number of patients not accepted with reasons and total staff days for each service offered.

- i) Clinical Record Review

- 1) At least quarterly, members of professional disciplines representing at least the scope of the agency's programs, shall review a sample of both active and closed clinical records to assure that established policies are followed in providing services (direct as well as those under arrangement). This

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Section 245.50(1)(1) (continued)

review will include, but not be limited to the following:

- A) If the patient care plan was directly related to the stated diagnosis and plan of treatment.
- B) If the frequency of visits was consistent with the plan of treatment.
- C) If the services could have been provided in a shorter span of time.
- 2) There is a continuing review of clinical records for each 60 ~~day~~ day period that a patient received home health services to determine adequacy of the plan of treatment and appropriateness of continuation of care.

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 245.60 Annual Financial Statement ~~Licensure~~~~a) Licensure Required~~

- ~~1) NO PERSON SHALL OPEN, MANAGE, CONDUCT OR MAINTAIN A HOME HEALTH AGENCY WITHOUT A LICENSE ISSUED BY THE DEPARTMENT.~~
- ~~2) A person shall make application for and receive a license from the Department, which shall be based upon compliance with all applicable laws, rules and regulations.~~
- ~~3) Separate licensure, applications and fees for operation of a home health agency are required for all home health agency subunits.~~
- ~~4) A subunit license is required for any home health agency providing care in Illinois where the parent agency is domiciled in a state other than Illinois.~~
- ~~A) The subunit must be licensed to do business in Illinois under the Business Corporation Act of 1938, Ill. Rev. Stat., 1981, ch. 32, pars. 157.1 et seq., as amended.~~
- ~~B) The subunit must have an office in Illinois.~~
- ~~C) All professional care supervisory and staff personnel~~

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Section 245.60 (continued)

~~caring for patients residing in Illinois, will be~~
~~subject to licensure certification or registration~~
~~required to perform the respective service in Illinois,~~
~~and shall be so licensed, certified, or registered as~~
~~appropriate.~~

b) ~~Provisional Licensure~~

1) ~~ANY PERSON OPENING, MANAGING, CONDUCTING OR MAINTAINING A HOME~~
~~HEALTH AGENCY DURING THE YEAR BEGINNING OCTOBER 1, 1977, UPON~~
~~PROPER APPLICATION AND PAYMENT OF THE FEE OF \$25.00 SHALL BE~~
~~ISSUED A PROVISIONAL LICENSE WHICH SHALL EXPIRE ON SEPTEMBER~~
~~30, 1978.~~

2) ~~EACH APPLICATION FOR A HOME HEALTH AGENCY PROVISIONAL LICENSE~~
~~SHALL CONTAIN THE FOLLOWING INFORMATION:~~

A) ~~NAME, ADDRESS AND LOCATION OF AGENCY;~~

B) ~~ORGANIZATION AND GOVERNING STRUCTURE OF AGENCY;~~

C) ~~NUMBER AND QUALIFICATION OF STAFF;~~

D) ~~SOURCES OF FINANCING OF SERVICES AND AGENCY;~~

E) ~~SERVICE AREA;~~

F) ~~PATIENT LOAD;~~

G) ~~AGENCY UTILIZATION;~~

H) ~~SERVICE CHARGES;~~

I) ~~AFFILIATION AGREEMENTS WITH OTHER HEALTH CARE PROVIDERS;~~
~~AND~~

J) ~~SUCH OTHER INFORMATION AS THE DEPARTMENT MAY REQUIRE.~~

3) ~~APPLICATION FOR LICENSES TO BE EFFECTIVE ON AND AFTER MARCH 1,~~
~~1978, SHALL BE IN ACCORDANCE WITH THIS PART.~~

c) ~~EXEMPTIONS. THIS ACT DOES NOT APPLY TO ANY HOME HEALTH AGENCY~~
~~CONDUCTED BY AND FOR THE ADMITTENTS OF ANY WELL RECOGNIZED CHURCH~~
~~OR RELIGIOUS DENOMINATION FOR THE PURPOSE OF PROVIDING SERVICES~~
~~FOR THE CARE OR TREATMENT OF THE SICK WHO DEPEND UPON PRAYER OR~~

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Section 245.60 (continued)

~~SPIRITUAL MEANS FOR HEALING IN THE PRACTICE OF THE RELIGION OF~~
~~SUCH CHURCH OR RELIGIOUS DENOMINATION.~~

d) ~~Expiration~~

1) ~~Each license shall be for a term of one year and shall expire~~
~~one year from the date of issuance.~~

2) ~~The licensee shall notify the Department 30 days in advance of~~
~~closing the home health agency.~~

e) ~~License Nontransferable~~

1) ~~Each license shall be issued only for the home health agency~~
~~named in the application and shall not be transferred or~~
~~assigned to any other person, agency or corporation.~~

2) ~~Sale, assignment, lease or other transfer, voluntary or~~
~~involuntary, shall require relicensure by the new owner or~~
~~person in interest prior to maintaining, operating or~~
~~conducting a home health agency.~~

f) ~~Application Procedure~~

1) ~~ON AND AFTER OCTOBER 1, 1978, AN ANNUAL LICENSE SHALL BE~~
~~ISSUED TO ANY PERSON UPON A SIGNED APPLICATION AND PAYMENT OF~~
~~THE FEE IF STANDARDS ESTABLISHED BY THE DEPARTMENT AND OTHER~~
~~REQUIREMENTS OF THE ACT AND THIS PART ARE MET.~~

2) ~~THE FEE FOR EACH LICENSE OR ANY RENEWAL SHALL BE \$25.00. The~~
~~fee shall accompany the filing of the application and is not~~
~~refundable. A fee of \$25.00 is required for each subunit~~
~~operated by the home health agency.~~

3) ~~A person desiring to obtain a license shall file with the~~
~~Department an application on a form prescribed, prepared and~~
~~furnished by the Department. The application shall contain~~
~~such information as may be required by the Department for the~~
~~proper administration and enforcement of the Act and this~~
~~Part.~~

4) ~~A person in interest, different from the licensee,~~
~~contemplating conducting, maintaining or operating a home~~
~~health agency pursuant to Subsection (c)(2) of this Part,~~
~~shall file an application for licensure with the Department.~~

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NOTICE OF PROPOSED AMENDMENTS

Section 245.60 (continued)

~~g) Financial Statements Required~~

~~a) 1) EACH LICENSEE SHALL FILE ANNUALLY, OR MORE OFTEN AS THE DIRECTOR SHALL PRESCRIBE, AN ATTESTED FINANCIAL STATEMENT ON A FORM PRESCRIBED, PREPARED AND FURNISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH. IN CONJUNCTION WITH THE ILLINOIS DEPARTMENT OF PUBLIC AID. THE APPLICATION SHALL CONTAIN SUCH INFORMATION AS MAY BE REQUIRED BY THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH, AND THE ILLINOIS DEPARTMENT OF PUBLIC AID FOR THE PROPER ADMINISTRATION OF THE ACT AND THIS PART. AN AUDITED FINANCIAL STATEMENT MAY BE REQUIRED OF A PARTICULAR FACILITY, IF THE DIRECTOR DETERMINES THAT ADDITIONAL INFORMATION IS NEEDED. (Section 11(a) of the Act)~~

~~b) 2) NO PUBLIC FUNDS SHALL BE EXPENDED FOR THE SERVICES OF A HOME HEALTH AGENCY WHICH HAS FAILED TO FILE THE FINANCIAL STATEMENT REQUIRED BY THIS SECTION. (Section 11(b) of the Act)~~

~~c) 3) NO OTHER STATE AGENCY MAY REQUIRE SUBMISSION OF FINANCIAL DATA EXCEPT AS EXPRESSLY AUTHORIZED BY LAW OR AS NECESSARY TO MEET REQUIREMENTS OF FEDERAL LAW OR REGULATION. (Section 11(d) of the Act)~~

~~d) 4) INFORMATION OBTAINED UNDER THIS SECTION SHALL BE MADE AVAILABLE, UPON REQUEST, BY THE DEPARTMENT ONLY TO ANY OTHER STATE AGENCY OR LEGISLATIVE COMMISSION TO WHICH SUCH INFORMATION IS NECESSARY FOR INVESTIGATIONS OR TO EXECUTE THE INTENT OF STATE OR FEDERAL LAW OR REGULATION. (Section 11(d) of the Act)~~

~~h) Denial of License~~

~~1) AN APPLICATION FOR LICENSE MAY BE DENIED FOR ANY OF THE FOLLOWING REASONS:~~

~~A) FAILURE TO MEET THE MINIMUM STANDARDS PRESCRIBED BY THE DEPARTMENT.~~

~~B) SATISFACTORY EVIDENCE THAT THE MORAL CHARACTER OF THE APPLICANT OR SUPERVISOR OF THE AGENCY IS NOT REPUTABLE. IN DETERMINING MORAL CHARACTER, THE DEPARTMENT MAY TAKE INTO CONSIDERATION ANY CONVICTIONS OF THE APPLICANT OR SUPERVISOR BUT SUCH CONVICTIONS SHALL NOT OPERATE AS A BAR TO LICENSING.~~

~~C) LACK OF PERSONNEL QUALIFIED BY TRAINING AND EXPERIENCE TO PROPERLY PERFORM THE FUNCTION OF A HOME HEALTH AGENCY.~~

Section 245.60 (continued)

~~D) INSUFFICIENT FINANCIAL OR OTHER RESOURCES TO OPERATE AND CONDUCT A HOME HEALTH AGENCY IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ACT AND THE MINIMUM STANDARDS, RULES AND REGULATIONS PROMULGATED THEREUNDER.~~

~~2) The Department may, upon its own motion, and shall upon the verified complaint, in writing, of any person setting forth facts which if proven would constitute grounds for the denial of an application for a license, notify the applicant in the manner set forth in subparagraph (1) of this Section.~~

~~i) RENEWAL OF LICENSE. AN APPLICATION FOR RENEWAL OF LICENSE SHALL BE FILED WITH THE DEPARTMENT AT LEAST 60 DAYS PRIOR, BUT NOT SOONER THAN 90 DAYS BEFORE THE EXPIRATION DATE OF THE CURRENTLY HELD LICENSE.~~

~~j) RENEWAL OF LICENSE DENIED~~

~~1) AN APPLICATION FOR A RENEWAL OF LICENSE MAY BE DENIED FOR ANY OF THE FOLLOWING REASONS:~~

~~A) A VIOLATION OF ANY PROVISION OF THE ACT OR OF THE MINIMUM STANDARDS, RULES AND REGULATIONS OR ORDERS OF THE DEPARTMENT PROMULGATED THEREUNDER.~~

~~B) ANY GROUND UPON WHICH AN APPLICATION FOR A LICENSE MAY BE DENIED AS SET FORTH IN SUBPARAGRAPH (h)(1) OF THIS SECTION.~~

~~2) THE DEPARTMENT MAY, UPON ITS OWN MOTION, AND SHALL UPON THE VERIFIED COMPLAINT, IN WRITING, OF ANY PERSON SETTING FORTH FACTS WHICH IF PROVEN WOULD CONSTITUTE GROUNDS FOR THE DENIAL OF AN APPLICATION FOR A LICENSE, NOTIFY THE APPLICANT IN THE MANNER SET FORTH IN SUBPARAGRAPH (1) OF THIS SECTION.~~

~~k) REVOCATION OF LICENSE~~

~~1) A license may be revoked for any of the following reasons:~~

~~A) A violation of any provision of the Act or of the minimum standards, rules and regulations or orders of the Department promulgated thereunder.~~

~~B) ANY GROUND UPON WHICH AN APPLICATION FOR A LICENSE MAY BE DENIED AS SET FORTH IN SUBPARAGRAPH (h)(1) OF THIS SECTION.~~

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Section 245.60 (continued)

- ~~2) Conduct or practice found by the Director of the Department to be detrimental to the health, safety or welfare of a patient is grounds for revocation of a license.~~
- ~~3) THE DEPARTMENT MAY, UPON ITS OWN MOTION AND SMALL UPON THE VERIFIED COMPLAINT, IN WRITING, OF ANY PERSON SETTING FORTH FACTS WHICH IF PROVEN WOULD CONSTITUTE GROUNDS FOR THE DENIAL OF AN APPLICATION FOR A LICENSE IN THE MANNER SET FORTH IN SUBPARAGRAPH (1) OF THIS SECTION INVESTIGATE THE APPLICANT OR LICENSEE.~~
- ~~4) In the event that an immediate and serious danger to the public health, safety and welfare exists, the Director may order an emergency suspension of a license. Emergency suspension may be ordered but revocation proceedings shall thereafter be promptly instituted.~~
- ~~1) Investigation, Notice and Hearing~~
 - ~~1) Licenses issued by the Department to operate home health agencies, will be based, in part, upon the results of a survey and inspection conducted by Department representatives to determine compliance with the requirements of the Act and this Part.~~
 - ~~2) Any duly authorized officer or employee of the Department shall have the right to make surveys and inspections as are necessary in order to determine the status of compliance with the provisions of this Act and this Part.~~
 - ~~3) THE DEPARTMENT MAY, UPON ITS OWN MOTION, AND SMALL UPON THE VERIFIED COMPLAINT, IN WRITING, OF ANY PERSON SETTING FORTH FACTS WHICH, IF PROVEN, WOULD CONSTITUTE GROUNDS FOR THE DENIAL OF AN APPLICATION FOR A LICENSE, OR REFUSAL TO RENEW A LICENSE, OR REVOCATION OF A LICENSE, INVESTIGATE THE APPLICANT OR LICENSEE.~~
 - ~~4) BEFORE DENYING AN APPLICATION OR REFUSING TO RENEW A LICENSE OR REVOKING A LICENSE, THE DEPARTMENT SHALL NOTIFY THE APPLICANT OR LICENSEE IN WRITING.~~
 - ~~5) NOTICE SHALL BE EFFECTED IN WRITING, EITHER BY REGISTERED MAIL OR BY PERSONAL SERVICE SETTING FORTH THE PARTICULAR REASONS FOR THE PROPOSED ACTION AND FIXING A DATE NOT LESS THAN 15 DAYS FROM THE DATE OF SUCH MAILING OR SERVICE, AT WHICH TIME~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 245.60 (continued)

- ~~THE APPLICANT OR LICENSEE SHALL BE GIVEN AN OPPORTUNITY FOR A HEARING.~~
- ~~6) SUCH HEARING SHALL BE CONDUCTED BY THE DIRECTOR OR BY AN EMPLOYEE OF THE DEPARTMENT DESIGNATED IN WRITING BY THE DIRECTOR AS HEARING OFFICER TO CONDUCT THE HEARING.~~
- ~~7) ON THE BASIS OF ANY SUCH HEARING OR UPON DEFAULT OF THE APPLICANT OR LICENSEE, THE DIRECTOR SHALL MAKE A DETERMINATION SPECIFYING HIS FINDINGS AND CONCLUSIONS.~~
- ~~8) THE PROCEDURE GOVERNING HEARINGS AUTHORIZED BY THIS SECTION SHALL BE IN ACCORDANCE WITH THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT WHICH IS EXPRESSLY ADOPTED AND INCORPORATED HEREIN AS IF ALL OF THE PROVISIONS OF SUCH ACT WERE INCLUDED IN THIS ACT, EXCEPT THAT IN CASE OF CONFLICT BETWEEN THE TWO ACTS THE PROVISIONS OF THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT SHALL CONTROL.~~
- ~~9) THE DIRECTOR OF HEARING OFFICER SHALL UPON HIS OWN MOTION OR ON THE WRITTEN REQUEST OF ANY PARTY TO THE PROCEEDING, ISSUE SUBPOENAS REQUIRING THE ATTENDANCE AND THE GIVING OF TESTIMONY BY WITNESSES AND SUBPOENAS DUCES TECUM REQUIRING THE PRODUCTION OF BOOKS, PAPERS, RECORDS OR MEMORANDA. ALL SUBPOENAS AND SUBPOENAS DUCES TECUM ISSUED UNDER THE TERMS OF THIS ACT MAY BE SERVED BY ANY PERSON OF FULL AGE. THE FEES OF WITNESSES FOR ATTENDANCE AND TRAVEL SHALL BE THE SAME AS THE FEES OF WITNESSES BEFORE THE CIRCUIT COURT OF THIS STATE. SUCH FEES TO BE PAID WHEN THE WITNESS IS EXCUSED FROM FURTHER ATTENDANCE. WHEN THE WITNESS IS SUBPOENAED AT THE INSTANCE OF THE DIRECTOR, OR HEARING OFFICER, SUCH FEES SHALL BE PAID IN THE SAME MANNER AS OTHER EXPENSES OF THE DEPARTMENT. AND WHEN THE WITNESS IS SUBPOENAED AT THE INSTANCE OF ANY OTHER PARTY TO ANY SUCH PROCEEDING THE DEPARTMENT MAY REQUIRE THAT THE COST OF SERVICE OF THE SUBPOENA OR SUBPOENAS DUCES TECUM AND THE FEE OF THE WITNESS BE BORNE BY THE PARTY AT WHOSE INSTANCE THE WITNESS IS SUMMONED. IN SUCH CASE, THE DEPARTMENT IN ITS DISCRETION, MAY REQUIRE A DEPOSIT TO COVER THE COST OF SUCH SERVICE AND WITNESS FEES. A SUBPOENA OR SUBPOENA DUCES TECUM ISSUED AS AFORESAID SHALL BE SERVED IN THE SAME MANNER AS A SUBPOENA ISSUED OUT OF A COURT.~~
- ~~10) ANY CIRCUIT COURT OF THIS STATE UPON THE APPLICATION OF THE DIRECTOR OR UPON THE APPLICATION OF ANY OTHER PARTY TO THE PROCEEDING, MAY, IN ITS DISCRETION, COMPEL THE ATTENDANCE OF~~

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Section 245.60 (continued)

Section 245.80(b) (continued)

~~WITNESSES, THE PRODUCTION OF BOOKS, PAPERS, RECORDS OR MEMORANDA AND THE GIVING OF TESTIMONY BEFORE THE DIRECTOR OR HEARING OFFICER CONDUCTING AN INVESTIGATION OR HOLDING A HEARING AUTHORIZED BY THIS ACT, BY AN ATTACHMENT FOR CONTEMPT, OR OTHERWISE, IN THE SAME MANNER AS PRODUCTION OF EVIDENCE MAY BE COMPELLED BEFORE THE COURT.~~

~~1) THE DIRECTOR OR HEARING OFFICER, OR ANY PARTY IN AN INVESTIGATION OR HEARING BEFORE THE DEPARTMENT, MAY CAUSE THE DEPOSITIONS OF WITNESSES WITHIN THE STATE TO BE TAKEN IN THE MANNER PRESCRIBED BY LAW FOR LIKE DEPOSITIONS IN CIVIL ACTIONS IN COURTS OF THIS STATE, AND TO THAT END COMPEL THE ATTENDANCE OF WITNESSES AND THE PRODUCTION OF BOOKS, PAPERS, RECORDS OR MEMORANDA.~~

~~m) Applicant's Right to Administrative Review. WHENEVER THE DEPARTMENT DENIES AN APPLICATION FOR A LICENSE, REFUSES TO RENEW A LICENSE, REVOKES A LICENSE OR SUSPENDS A LICENSE TO OPEN CONDUCT, OPERATE OR MAINTAIN A HOME HEALTH AGENCY, THE APPLICANT OR LICENSEE MAY HAVE SUCH DECISION JUDICIALLY REVIEWED. THE PROVISIONS OF THE "ADMINISTRATIVE REVIEW ACT," APPROVED MAY 8, 1945, AS HERETOFORE OR HEREAFTER AMENDED, AND THE RULES ADOPTED PURSUANT THERETO SHALL APPLY TO AND GOVERN ALL PROCEEDINGS FOR THE JUDICIAL REVIEW OF FINAL ADMINISTRATIVE DECISIONS OF THE DEPARTMENT HEREUNDER. THE TERM "ADMINISTRATIVE DECISIONS" IS DEFINED AS IN SECTION 1 OF THE "ADMINISTRATIVE REVIEW ACT."~~

(Source: Amended at 14 Ill. Reg. ____, effective ____)

SUBPART C: LICENSURE PROCEDURES

Section 245.80 Licensure Required

a) NO PERSON SHALL OPEN, MANAGE, CONDUCT OR MAINTAIN A HOME HEALTH AGENCY WITHOUT A LICENSE ISSUED BY THE DEPARTMENT. (Section 3 of the Act)

b) License Nontransferable

1) Each license shall be issued only for the home health agency named in the application and shall not be transferred or assigned to any other person, agency or corporation.

2) Sale, assignment, lease or other transfer, voluntary or involuntary, shall require relicensure by the new owner or person in interest prior to maintaining, operating or conducting a home health agency.

c) Each license shall be for a term of one year and shall expire one year from the date of issuance. However, initial licenses shall expire one year from the end of the month in which the initial license was issued.

d) Subunits. A separate license for the operation of a home health agency is required for each home health agency subunit. A separate license application and fee must be submitted for each home health agency subunit.

e) Out-of-State Agencies. A license is required for any home health agency providing care in Illinois where the parent agency is domiciled in a state other than Illinois. In such cases, the following conditions must be met:

1) The licensee must be registered to do business in Illinois under the Business Corporation Act of 1938 (Ill. Rev. Stat. 1989, ch. 32, par. 1.01 et seq.) or otherwise authorized to do business in Illinois.

2) The licensee must have an office in Illinois.

3) All professional care supervisory and staff personnel caring for patients residing in Illinois, will be subject to any licensure, certification, or registration which is required to perform the respective service in Illinois, and shall be so licensed, certified, or registered.

f) The licensee shall notify the Department not less than 30 days prior to closing the home health agency.

e) ANY HOME HEALTH AGENCY CONDUCTED BY AND FOR THE ADHERENTS OF ANY WELL RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION FOR THE PURPOSE OF PROVIDING SERVICES FOR THE CARE OR TREATMENT OF THE SICK WHO DEPEND UPON PRAYER OR SPIRITUAL MEANS FOR HEALING IN THE PRACTICE OF THE RELIGION OF SUCH CHURCH OR RELIGIOUS DENOMINATION is not subject to licensure. (Section 13 of the Act)

(Source: Added at 14 Ill. Reg. ____, effective ____)

Section 245.50 License Application

a) Initial Application

- 1) Any person who desires to obtain a license to operate a home health agency shall file with the Department a license application. Any person in interest, different from the licensee, who desires to conduct, maintain, or operate a home health agency shall also file an application for licensure with the Department.

- 2) Each initial application for licensure shall be on forms provided by the Department and shall contain the following information:

- A) NAME, ADDRESS, AND LOCATION OF THE AGENCY.
- B) ORGANIZATION AND GOVERNING STRUCTURE OF THE AGENCY.
- C) A description of the services to be provided.
- D) A list of the staff of the agency, including any applicable licensure, registration, or certification and any other QUALIFICATIONS OF THE STAFF of the agency.
- E) SOURCES OF FINANCING OF SERVICES and any other sources of income of the agency.
- F) A description or map of the geographic SERVICE AREA in which services are provided by the agency.
- G) CHARGES FOR SERVICES by types of services provided by the agency.
- H) Copies of any AFFILIATION AGREEMENTS WITH OTHER HEALTH CARE PROVIDERS. (Section 5(a) of the Act)

b) Renewal Application

- 1) Each licensee shall file a renewal application with the Department not less than 60 days, nor more than 90 days, prior to the expiration date of the licensee's current license.
- 2) Each renewal application shall be on forms provided by the Department and shall contain the information specified in subsection (a)(2) of this Section. Each renewal application shall also include the following information:

Section 245.50(b)(2) (continued)

- A) PATIENT LOAD data for the preceding year, including the number of patients discharged, the total number of patients who received services, the number of patients over 65 years of age who received services, and the number of patients being served at the end of the year.

- B) AGENCY UTILIZATION data, including the number of patients receiving specific types of services and the number of visits by types of services provided. (Section 5(a) of the Act)

- c) Each initial and renewal application shall be accompanied by a LICENSE FEE OF \$25. The fee is not refundable. (Section 4(c) of the Act)

- d) The Department will review each application. The Department will approve the application and issue an initial or renewal license to the applicant for operation of a home health agency, when it finds that the applicant meets all of the REQUIREMENTS OF THE ACT AND THE STANDARDS ESTABLISHED BY THE DEPARTMENT in this Part. The Department may also issue a provisional license as provided in Section 4 of the Act and Section 245.100 of this Part, or deny an application as provided in Section 8 and 9 of the Act and Section 245.130 of this Part. (Section 4(c) of the Act)

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 245.100 Provisional License

a) Provisional License for New Agencies

- 1) If the Department is unable to determine that the agency complies with the requirements of the Act and this Part from the information provided in the application, the Department may conduct an on-site survey. The Department shall issue a provisional license to an applicant for licensure when the applicant appears to comply with the requirements of the Act and this Part, but either of the following conditions exists:

- A) THE APPLICANT FOR LICENSURE HAS NOT PREVIOUSLY BEEN LICENSED.
- B) THE AGENCY IS NOT IN OPERATION AT THE TIME OF THE APPLICATION. (Section 4(a) of the Act).

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Section 245.100(a) (continued)

Section 245.100(c) (continued)

- 2) WITHIN 30 DAYS PRIOR TO THE EXPIRATION OF THE PROVISIONAL LICENSE, THE DEPARTMENT SHALL INSPECT THE AGENCY. IF THE DEPARTMENT FINDS THAT THE AGENCY SUBSTANTIALLY MEETS THE REQUIREMENTS OF THE ACT AND THIS PART, IT SHALL ISSUE A LICENSE. THIS LICENSE SHALL EXPIRE ONE YEAR FROM THE END OF THE MONTH IN WHICH THE PROVISIONAL LICENSE WAS FIRST ISSUED. THE INITIAL LICENSE FEE SHALL BE APPLIED TO THIS LICENSE. (Section 4(a) of the Act)

245.130 of this Part. A PROVISIONAL LICENSE WILL BE RENEWED FOR AN ADDITIONAL 120 DAYS WHEN THE DEPARTMENT FINDS THAT ALL OF THE FOLLOWING CONDITIONS EXIST:

- 1) THE AGENCY DOES NOT SUBSTANTIALLY MEET ALL OF THE REQUIREMENTS OF THE ACT AND THIS PART.
- 2) THE AGENCY HAS MADE SIGNIFICANT PROGRESS TOWARD CORRECTING DEFICIENCIES AND BRINGING THE AGENCY INTO FULL COMPLIANCE WITH THE REQUIREMENTS OF THE ACT AND THIS PART.
- 3) THE HEALTH AND SAFETY OF THE PATIENTS OF THE AGENCY WILL BE PROTECTED DURING THE PERIOD OF THE EXTENSION OF THE PROVISIONAL LICENSE. (Section 4 of the Act)

(Source: Added at 14 Ill. Reg. _____, effective _____)

b) Provisional License for Operating Agencies

- 1) The Department shall issue a provisional license to an agency when it finds that all of the following conditions exist:

- A) THE AGENCY DOES NOT SUBSTANTIALLY COMPLY WITH ALL OF THE REQUIREMENTS OF THE ACT AND THIS PART.
- B) The violations of the requirements of the Act and this Part are not serious enough to support adverse licensure action as provided under Sections 8 and 9 of the Act and Section 245.130 of this Part.
- C) THE HEALTH AND SAFETY OF THE PATIENTS OF THE AGENCY WILL BE PROTECTED DURING THE PERIOD OF THE PROVISIONAL LICENSE. (Section 4(b)(1) of the Act)

- 2) WHEN A PROVISIONAL LICENSE IS ISSUED to an operating agency, the Department shall notify the agency of the issuance of the provisional license. The notice to the agency shall include the following information:

- A) A description of the MANNER IN WHICH THE AGENCY FAILS TO SUBSTANTIALLY COMPLY WITH ALL OF THE REQUIREMENTS OF THE ACT AND THIS PART.
- B) A description of the CORRECTIONS WHICH MUST BE MADE BY THE HOME HEALTH AGENCY TO SUBSTANTIALLY COMPLY WITH ALL OF THE REQUIREMENTS OF THE ACT AND THIS PART.
- C) A specific TIME WITHIN WHICH THE NECESSARY CORRECTIONS SHALL BE COMPLETED by the agency. (Section 4(b)(2) of the Act)

- c) A PROVISIONAL LICENSE IS VALID FOR 120 DAYS UNLESS SOONER SUSPENDED OR REVOKED IN ACCORDANCE WITH SECTION 9 OF THE ACT AND SECTION

Section 245.110 Inspections and Investigations

- a) THE DEPARTMENT WILL CONDUCT SUCH INVESTIGATIONS AND INSPECTIONS OF licensed agencies and of persons suspected of operating an agency without a license AS IT DEEMS NECESSARY TO ASSESS COMPLIANCE WITH THE ACT AND THIS PART. The Department will conduct an investigation or inspection based on complaints received by the Department when it finds that the complaint alleges a violation of the Act or this Part and that a reasonable basis exists for the complaint. (Section 9.01 of the Act)

- b) Agencies shall facilitate any necessary visits by the Department's staff to patients in their homes during the Department's investigations or inspections. The Department will obtain CONSENT FROM THE PATIENT prior to conducting DIRECT OBSERVATION OF PATIENT CARE IN THE HOME DURING AN INVESTIGATION OR INSPECTION. (Section 9.01 of the Act)

- c) AGENCIES SHALL MAKE AVAILABLE TO THE DEPARTMENT ALL BOOKS, RECORDS, POLICIES AND PROCEDURES, OR ANY OTHER MATERIALS REQUESTED DURING THE COURSE OF AN INVESTIGATION OR INSPECTION. (Section 9.01 of the Act)

(Source: Added at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 245.120 Violationsa) Notice of Violation

1) WHEN THE DEPARTMENT DETERMINES THAT A HOME HEALTH AGENCY IS IN VIOLATION OF THE ACT OR THIS PART, A NOTICE OF VIOLATION SHALL BE SERVED ON THE LICENSEE. The notice shall be served on the licensee personally or by certified mail. (Section 9.02 of the Act)

2) EACH NOTICE OF VIOLATION SHALL BE IN WRITING and shall include:

- A) A description of the NATURE OF THE VIOLATION.
- B) Citation of the STATUTORY PROVISION OR RULE ALLEGED TO HAVE BEEN VIOLATED.

C) A statement that the agency must submit a PLAN OF CORRECTION AS PROVIDED UNDER SECTION 9.03 of the Act and subsection (b) of this Section.

D) A description of additional ACTION THE DEPARTMENT MAY TAKE UNDER THE ACT, INCLUDING ADVERSE LICENSE ACTION UNDER SECTION 9 of the Act and Section 245.130 of this Part OR ASSESSMENT OF A PENALTY UNDER SECTION 9.04 of the Act and Section 245.140 of this Part.

E) A statement that THE LICENSEE HAS A RIGHT TO A HEARING TO contest the violation as provided in SECTION 10 of the Act and Section 245.150 of this Part and a description of the procedure for requesting a hearing. (Section 9.02 of the Act)

b) Plan of Correction

1) In response to the receipt of a notice of violation, THE AGENCY SHALL FILE WITH THE DEPARTMENT A WRITTEN PLAN OF CORRECTION. EACH PLAN OF CORRECTION IS SUBJECT TO THE APPROVAL OF THE DEPARTMENT and shall comply with the following requirements:

A) Be filed with the Department WITHIN 10 DAYS OF THE AGENCY'S RECEIPT OF THE NOTICE OF VIOLATION.

B) STATE WITH PARTICULARITY THE METHOD BY WHICH THE AGENCY INTENDS TO CORRECT EACH VIOLATION specified in the notice of violation.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 245.120(b)(1) (continued)

C) CONTAIN A STATED DATE BY WHICH EACH VIOLATION WILL BE CORRECTED. (Section 9.03 of the Act)

2) The Department will review each plan of correction. If the Department finds that the plan of correction fails to comply with the requirements in subsection (b)(1) of this Section, the Department will REJECT THE PLAN OF CORRECTION and NOTIFY THE LICENSEE OF THE REJECTION AND THE REASON FOR THE REJECTION. (Section 9.03 of the Act)

3) THE AGENCY SHALL HAVE 10 DAYS AFTER THE RECEIPT OF A NOTICE OF REJECTION IN WHICH TO SUBMIT A MODIFIED PLAN OF CORRECTION. The Department shall review each modified plan of correction. (Section 9.03 of the Act)

4) The Department shall REJECT A MODIFIED PLAN and impose a plan of correction, which the AGENCY SHALL FOLLOW, in any of the following conditions:

A) THE MODIFIED PLAN IS NOT SUBMITTED ON TIME.

B) The modified plan fails to resolve the reasons for the rejection of the plan of correction.

C) The modified plan fails to STATE WITH PARTICULARITY THE METHOD BY WHICH THE AGENCY INTENDS TO CORRECT EACH VIOLATION specified in the notice of violation.

D) The modified plan fails to CONTAIN A STATED DATE BY WHICH EACH VIOLATION WILL BE CORRECTED. (Section 9.03 of the Act)

c) Hearing to Contest Violations

1) An agency may CONTEST ANY DEPARTMENT ACTION UNDER THIS SECTION BY SENDING A WRITTEN REQUEST FOR A HEARING TO THE DEPARTMENT WITHIN 10 DAYS OF THE RECEIPT OF THE NOTICE OF THE ACTION BEING CONTESTED as provided in Section 10 of the Act and Section 245.150 of this Part. (Section 9.03(c) of the Act)

2) WHENEVER POSSIBLE, ALL ACTION OF THE DEPARTMENT UNDER THIS SECTION ARISING OUT OF A VIOLATION SHALL BE CONTESTED AND DETERMINED AT A SINGLE HEARING. (Section 9.03(c) of the Act)

(Source: Added at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 245.130 Adverse Licensure Actions

- a) Adverse licensure actions include the denial of an initial license application, denial of an application for license renewal, revocation of a license, suspension of a license, and the imposition of a penalty or fine.
- b) Adverse licensure action shall be considered by the Department under the following conditions:
- 1) FAILURE OF THE AGENCY TO MEET THE STANDARDS PRESCRIBED BY THE DEPARTMENT in this Part. (Section 8(a) of the Act)
 - 2) SATISFACTORY EVIDENCE THAT THE MORAL CHARACTER OF THE APPLICANT OR SUPERVISOR OF THE AGENCY IS NOT REPUTABLE. IN DETERMINING MORAL CHARACTER, THE DEPARTMENT MAY TAKE INTO CONSIDERATION ANY CONVICTIONS OF THE APPLICANT OR SUPERVISOR BUT SUCH CONVICTIONS SHALL NOT OPERATE AS A BAR TO LICENSING. (Section 8(b) of the Act)
 - 3) LACK OF PERSONNEL QUALIFIED BY TRAINING AND EXPERIENCE TO PROPERLY PERFORM THE FUNCTION OF A HOME HEALTH AGENCY. This determination will be based on the personnel requirements established in this Part. (Section 8(c) of the Act)
 - 4) INSUFFICIENT FINANCIAL OR OTHER RESOURCES TO OPERATE AND CONDUCT A HOME HEALTH AGENCY IN ACCORDANCE WITH THE REQUIREMENTS OF THE ACT AND this Part. (Section 8(d) of the Act)
 - 5) REFUSAL TO MAKE BOOKS, RECORDS, POLICIES AND PROCEDURES, OR ANY OTHER MATERIALS REQUESTED DURING THE COURSE OF AN INVESTIGATION OR INSPECTION AVAILABLE TO THE DEPARTMENT. (Section 9.01 of the Act)
 - 6) VIOLATION OF ANY PROVISION OF THE ACT or this Part. (Section 9(a) of the Act)
 - 7) Conduct or practice found by the Department to be detrimental to the health, safety or welfare of a patient.
- c) In determining whether to take adverse licensure action, the Department shall consider the following factors:
- 1) THE GRAVITY OF THE VIOLATION, INCLUDING THE PROBABILITY THAT DEATH OR SERIOUS PHYSICAL OR MENTAL HARM TO A PATIENT WILL RESULT OR HAS RESULTED AND THE SEVERITY OF THE ACTUAL OR POTENTIAL HARM.

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Section 245.130(c) (continued)

- 2) THE EXTENT TO WHICH THE PROVISIONS OF THE ACT or this Part WERE VIOLATED.
 - 3) THE REASONABLE DILIGENCE EXERCISED BY THE LICENSEE AND ANY EFFORTS BY THE LICENSEE TO CORRECT THE VIOLATIONS.
 - 4) ANY PREVIOUS VIOLATIONS COMMITTED BY THE LICENSEE.
 - 5) THE FINANCIAL BENEFIT TO THE AGENCY OF COMMITTING OR CONTINUING THE VIOLATION. (Section 9.04(c) of the Act)
- d) The Department shall deny an application for license renewal when the licensee REFUSES TO MAKE PAYMENT AT THE TIME OF THE APPLICATION FOR RENEWAL OF THE LICENSE for penalties or fines which have been imposed and added to the license fee. (Section 10.01(c) of the Act)
- e) The Director will order an emergency suspension of a license, when the Director finds that continued operation of the agency poses an immediate and serious danger to the public health, safety and welfare exists. The suspension shall take effect upon the issuance of an order of emergency suspension by the Director and shall remain in effect during any administrative proceeding contesting the action. Promptly following any emergency suspension of a license, the Department shall take action to revoke the license.
- f) Notice of Adverse Licensure Action
- 1) THE DEPARTMENT SHALL NOTIFY THE APPLICANT OR LICENSEE IN WRITING, PRIOR TO DENYING AN APPLICATION, REFUSING TO RENEW A LICENSE, OR REVOKING A LICENSE. (Section 10(a) of the Act)
 - 2) THE NOTICE SHALL BE SERVED ON THE APPLICANT OR LICENSEE EITHER BY PERSONAL SERVICE OR BY REGISTERED MAIL. The notice shall contain the following information:
 - A) A description of the PARTICULAR REASONS FOR THE PROPOSED ACTION, including citations of the specific provisions of the Act and this Part under which the proposed action is being taken.
 - B) The date, not less than 15 days from the date of the mailing or service of the notice, on which the action will take effect, unless appealed by the applicant or licensee.
 - C) A description of the manner in which the applicant or

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Section 245.130(f)(2)(C) (continued)

licensee may appeal the proposed action and the right of the applicant or licensee to a hearing under Section 10 of the Act and Section 245.150 of this Part. (Section 10(b) of the Act)

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 245.140 Penalties and Fines

a) Notice of Assessment of Penalties and Fines

- 1) When the Department determines that a penalty or fine is to be assessed under Section 245.130 of this Part, the Department shall ISSUE A NOTICE OF FINE ASSESSMENT WHICH SHALL contain the following information:

- A) A specific description of the violations for which the fine is levied. (Section 9.04(b) of the Act)
- B) The amount of the penalty or fine, based on consideration of the factors specified in Section 9.04(c) of the Act and Section 245.130(c) of this Part. The Department may impose a fine of up to \$100 per day commencing on the date the violation was identified and ending on the date the violation is corrected, or action is taken by the Department to suspend, revoke or deny renewal of the license, whichever comes first. (Section 9.04(b) of the Act)

- C) A description of the manner in which the licensee may appeal the assessment and the right of the licensee to a hearing under Section 10 of the Act and Section 245.150 of this Part.

- 2) The notice shall be served on the applicant or licensee either by personal service or by registered mail. (Section 10(b) of the Act)

b) Payment of Penalties and Fines

- 1) All penalties and fines shall be paid to the Department by the licensee within the following time periods:

- A) If the assessment is not contested by the licensee, no

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Section 245.140(b)(1)(A) (continued)

later than 10 days after the notice of assessment.

- B) If the fine is contested in accordance with Section 10 of the Act and Section 245.150 of this Part, no later than 10 days after the licensee's receipt of the final decision, unless the decision is appealed and the order is stayed by court order under Section 12 of the Act. (Section 10.01 of the Act)

- 2) If payment has not been made by the licensee within the time periods specified in subsection (b)(1) of this Section, the Director shall issue a written demand for payment to the licensee. (Section 10.01 of the Act)

- 3) If the licensee against whom a penalty or fine has been assessed does not comply with a written demand for payment within 30 days of the demand, the Director shall issue an order to do any of the following:

- A) Certify to the comptroller that the delinquent fines are due and owing from the licensee. The certification shall include any amounts due and owing as a result of a civil action pursuant to Section 10.01(d) of the Act and subsection (b)(3)(D) of this Section. The Department shall send notice of the certification to the licensee and to any other person known to the Department who may be affected by the certification. (Section 10.01(a) of the Act)

- B) Certify to the Social Security Administration that the delinquent fines are due and owing from the licensee. The certification shall include any amounts due and owing as a result of a civil action pursuant to Section 10.01(d) of the Act and subsection (b)(3)(D) of this Section. The Department shall send notice of the certification to the licensee and to any other person known to the Department who may be affected by the certification. (Section 10.01(b) of the Act)

- C) Add the amount of the penalty or fine to the agency's licensing fee. (Section 10.01(c) of the Act)

- D) Bring an action in circuit court to recover the amount of the penalty or fine. (Section 10.01(d) of the Act)

(Source: Added at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

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Section 245.150 Hearings

- a) Applicants for a home health agency license and licensees may appeal certain actions of the Department under the Act and this Part.
Following receipt of an appeal or a request for a hearing from an applicant or licensee, the Department shall conduct a hearing to review the contested action.
- b) Hearings conducted pursuant to the Act and this Part shall be conducted in accordance with the following:
- 1) Section 10 of the Act.
 - 2) The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq.).
 - 3) The rules of the Department entitled "Rules of Practice and Procedure in Administrative Hearings" (77 Ill. Adm. Code 100).
 - c) Applicants and licensees have a right to administrative review of actions and decisions of the Department by the courts under the Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.).

(Source: Added at 14 Ill. Reg. ____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Entries and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1312
- 3) Section Numbers: Proposed Actions:
1312.265 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8 par. 37-9(b).
- 5) A Complete description of the Subjects and Issues Involved: This rulemaking will amend the current Uncoupled Entries rule to provide specific criteria in which entries can be coupled and uncoupled with regards to exotic races.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rule contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

All comments should be submitted in writing to:

Illinois Racing Board
Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The Illinois Racing Board will consider all written comments it receives within 30 days of the publication of this notice in the Illinois Register

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: July 23, 1990
- B) Types of small businesses affected: None.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1312
 ENTRIES AND DECLARATIONS

Section	
1312.10	Entries
1312.20	Penalties
1312.30	Sale of Horse with Entrance Due
1312.40	Receipt of Entries
1312.50	Postage Meter
1312.60	Deviation From Published Conditions
1312.70	When Ineligible Horse Races
1312.80	Transfer of Ineligible Horse
1312.90	Withholding Purse When Ineligible Horse Races
1312.100	Early Closing and Late Closing Events
1312.110	Subsequent Payments
1312.120	Trust Funds
1312.130	Stable Space
1312.140	Limitation on Conditions
1312.150	Penalties
1312.160	Excess Entry Fees
1312.170	Entries and Starters Required
1312.180	Elimination Heats
1312.190	Elimination Plans
1312.200	Overnight Events
1312.210	Entry Box and Drawing of Horses
1312.220	Substitute Races
1312.230	Drivers
1312.240	Declarations and Withdrawing
1312.250	Qualifying Races
1312.260	Entry or Coupling
1312.265	Uncoupled Entries
1312.270	Husband-Wife Entries
1312.280	Also Eligibles
1312.290	Preference
1312.300	Stewards' List
1312.310	Medical Reasons for Ineligibility

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Harness racing, (original date not cited in publication); amended July 12,

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

1974, filed July 22, 1974, amended February 13, 1976, filed March 1, 1976; amended September 19, 1975, filed October 2, 1975; amended at 4 Ill. Reg. 9, p. 251, effective February 20, 1980; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; amended at 5 Ill. Reg. 1498, effective February 2, 1981; codified at 5 Ill. Reg. 10934; amended at 14 Ill. Reg. _____, effective _____.

Section 1312.265 Uncoupled Entries

In allowance, handicap and stakes races, any entry of separate ownership may be uncoupled with permission of the stewards. Such permission shall not be granted with respect to quinellas and perfectas unless fields of six betting interest (five if there is a late scratch) are created. In no event shall such permission be granted in any race on which trifecta wagering is conducted, unless said race is a stakes race and at least 8 separate betting interests start. ~~provided/when/so/void/create/more/permission/shall/not/be/granted/when/so/void/shall/such/when/entry/separate/betting/interests///in/no/event/shall/such/permission/be/granted/in/any/race/on/which/quinella/perfecta/or/trifecta/wagering/is/conducted.~~

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Practice and Procedure for Hearings Before the Illinois Department of Revenue

2) Code Citation: 86 Ill. Adm. Code 200

3) Section Numbers: 200.115
Proposed Action: Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, par. 451

5) A Complete Description of the Subjects and Issues Involved: Reduction of notice period for hearings and prehearing conferences required as a result of a continuance having been granted.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of governments.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: August 29, 1990
- B) Types of small businesses affected: Taxpayers under any of the tax Acts administered by the Department.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 200

PRACTICE AND PROCEDURE FOR HEARINGS BEFORE
THE ILLINOIS DEPARTMENT OF REVENUE

Section	Scope and Construction
200.101	Definitions
200.105	Appearances
200.110	Notice
200.115	Request For and Setting of Hearing; Sufficient Protest
200.120	Discovery
200.125	Remedies
200.130	Informal Review
200.135	Prehearing Conference
200.140	Attendance of Witnesses
200.145	Stipulations
200.150	Evidence and Conduct of Hearings
200.155	Continuances
200.160	Decision of Administrative Law Judge
200.165	Notice of Final Decision
200.170	Rehearings
200.175	

AUTHORITY: Implementing Sections 8, 9, 10 and 12 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 447, 448, 449 and 451) and Sections 908, 909, 910, 914, 915, 916 and 918 of the Illinois Income Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 9-908, 9-909, 9-910, 9-914, 9-915, 9-916 and 9-918) and Sections 17, 18, 19, 21 and 25 of the Cigarette Use Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 453.46, 453.47, 453.48, 453.51 and 453.55) and Sections 7, 8, 9a, 9b, 10 and 10a of the Cigarette Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 453.7, 453.8, 453.9a, 453.9b, 453.10 and 453.10a) and Sections 8-5, 8-6, 8-7 and 8-8 of the Liquor Control Act of 1934 (Ill. Rev. Stat. 1989, ch. 43, pars. 163a et seq.) and authorized by Section 12 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 451) and Section 1401 of the Illinois Income Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 14-1401) and Section 21 of the Cigarette Use Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 453.51) and Section 8 of the Cigarette Tax Act (Ill. Rev. Stat. 1989, ch. 120, par. 453.8) and Section 8-13 of the Liquor Control Act of 1934 (Ill. Rev. Stat. 1989, ch. 43, par. 165) and Public Act 85-1214 (effective August 30, 1988).

SOURCE: Retailers' Occupation Tax Hearings adopted December 23, 1937; amended at 6 Ill. Reg. 2856, effective March 3, 1982; codified at 6 Ill. Reg. 15224; Part repealed, new Part adopted at 13 Ill. Reg. 6789, effective April 12, 1989; amended at ___ Ill. Reg. ___, effective ___.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Section 200.115 Notice

In the absence of an agreement by the parties as to a time and place for a hearing/prehearing conference, notice of the time and place fixed for any hearing or prehearing conference shall be given to the person or persons concerned not less than 20 days prior to the day fixed for the hearing, except that for hearings or prehearing conferences set as a result of a continuance, notice shall be given not less than 7 days prior to the day fixed for the continued hearing or prehearing conference. Personal service of the notice or notice given by United States registered or certified mail, addressed to the person concerned at his last known address and to his representative is sufficient. The time limitation for notice as affixed hereinabove for general hearings shall not apply to revocation matters, wherein 10 days shall constitute minimum notice for hearings.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED RULES

1) Heading of the Part: Savings Bank Act2) Code Citation: 38 Ill. Adm. Code 1075

<u>Section numbers</u>	<u>Section numbers</u>	<u>Proposed Action</u>
1075.100	1075.630	New Section
1075.110	1075.640	New Section
1075.120	1075.650	New Section
1075.130	1075.660	New Section
1075.140	1075.670	New Section
1075.200	1075.680	New Section
1075.300	1075.700	New Section
1075.310	1075.705	New Section
1075.400	1075.710	New Section
1075.410	1075.715	New Section
1075.415	1075.720	New Section
1075.420	1075.725	New Section
1075.430	1075.730	New Section
1075.440	1075.735	New Section
1075.450	1075.740	New Section
1075.455	1075.745	New Section
1075.460	1075.750	New Section
1075.465	1075.800	New Section
1075.470	1075.810	New Section
1075.480	1075.820	New Section
1075.490	1075.900	New Section
1075.500	1075.905	New Section
1075.505	1075.910	New Section
1075.510	1075.915	New Section
1075.515	1075.920	New Section
1075.520	1075.925	New Section
1075.525	1075.930	New Section
1075.530	1075.935	New Section
1075.535	1075.940	New Section
1075.540	1075.945	New Section
1075.545	1075.950	New Section
1075.550	1075.955	New Section
1075.555	1075.960	New Section
1075.560	1075.965	New Section
1075.565	1075.970	New Section
1075.570	1075.975	New Section
1075.575	1075.980	New Section
1075.580	1075.985	New Section
1075.585	1075.990	New Section
1075.600	1075.995	New Section
1075.610	1075.1000	New Section
1075.620	1075.1005	New Section

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED RULES

1075.1010 New Section
1075.1015 New Section
1075.1020 New Section
1075.1025 New Section
1075.1030 New Section
1075.1035 New Section
1075.1040 New Section
1075.1045 New Section
1075.1050 New Section
1075.1055 New Section
1075.1100 New Section
1075.1105 New Section
1075.1110 New Section
1075.1115 New Section
1075.1120 New Section
1075.1125 New Section
1075.1130 New Section
1075.1135 New Section
1075.1140 New Section
1075.1145 New Section
1075.1150 New Section
1075.1155 New Section
1075.1160 New Section
1075.1165 New Section
1075.1170 New Section
1075.1175 New Section
1075.1180 New Section
1075.1185 New Section
1075.1190 New Section
1075.1195 New Section
1075.1200 New Section
1075.1205 New Section
1075.1210 New Section
1075.1215 New Section
1075.1220 New Section
1075.1225 New Section
1075.1230 New Section
1075.1235 New Section
1075.1240 New Section
1075.1245 New Section

4) Statutory Authority: Authorized by the Savings Bank Act, P.A. 86-1213 (effective August 30, 1990).

5) A Complete Description of the Subjects and Issues Involved:
The Rules promulgated under the authority of the Savings Bank Act will allow state chartered thrifts to convert to state chartered savings banks and retain most of the powers they now

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED RULES

have and at the same time simplifying their regulatory structure. Savings banks are common on the Eastern seaboard and as a group are the healthiest of all insured financial institutions.

The commonality of savings banks and thrifts is that they are Qualified Thrift Lenders ("QTL") fully insured by the Federal Deposit Insurance Corporation ("FDIC").

One of the differences between a state savings bank and a state savings and loan is that a savings bank meets the Internal Revenue Code's QTL test with 60 percent of its assets invested in housing related loans while a thrift must meet a 70 percent QTL imposed by the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA") (12 U.S.C. 3331 et seq.). Prior to the passage of the FIRREA the QTL for both charters was 60 percent. The key difference is that savings banks are insured by FDIC and chartered by the state in the same manner as state chartered banks. Since the passage of FIRREA state chartered thrifts are insured by FDIC, chartered by the state, and also regulated by the Office of Thrift Supervision. This has created an uneven playing field for Illinois state chartered thrifts when compared to federal thrifts and state banks.

Many other states, working in conjunction with the American Council of State Savings Supervisors and the FDIC, are drafting model language for a state savings bank charter that will meet the requirements for deposit insurance.

6) Will this proposed rule replace an emergency rule currently in effect? Yes.

7) Does this rulemaking contain an automatic repeal date?
Yes ☒ No ☐

If "yes," please specify the date: _____

8) Does the proposed rule contain incorporations by reference?
No.

9) Are there any other Proposed Amendments Pending to this Part?
Section Numbers Proposed Action Illinois Register Citation No.

10) Statement of Statewide Policy Objectives: No.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED RULES

Any person who wishes to submit comments, should file a Notice of Intent thereof, within twenty-one (21) days of the date of this issue of the Illinois Register to:

Joseph R. Kirincich
Legislative Liaison
Office of the Commissioner of Savings and Residential Finance
500 East Monroe, Suite 800
Springfield, Illinois 62701-1509.

Comments should be filed within forty-five (45) days of the issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: August 10, 1990.

B) Types of small businesses affected: Small businesses are not affected by this Rulemaking.

C) Reporting, bookkeeping or other procedures required for compliance: The reporting requirements are comparable to those required by banks and savings and loan associations, i.e. periodic examinations, annual audits, minimum net worth requirements higher than that required of savings and loan associations and monthly statements on financial safety and soundness.

D) Types of professional skills necessary for compliance: The Proposed Rules create uniform procedures that will require a level of professionalism and ethical business practices that are commensurate with or greater than that of other regulated entities in the financial services industry engaged in residential finance.

The full text of the proposed rules is identical to the text of the Emergency Rules which appears in this issue of the Register on Page 15029.

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: General Hunting and Trapping on Department-Owned or -Managed Sites

2) CODE CITATION: 17 Ill. Adm. Code 510

3) SECTION NUMBERS: 510.10
ADOPTED ACTION: Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 63a28)

5) EFFECTIVE DATE OF AMENDMENTS: September 4, 1990

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: August 31, 1990

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 16, 1990, 14 Ill. Reg. 3757

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

All references to "Ill. Rev. Stat." were updated to the 1989 version.

In Section 510.10(c)(12), "Authorization may be obtained from any Department employee at the site. Authorization will be based upon person's apparent ability to retrieve game without dog or weapons." was added at the end of the paragraph.

In Section 510.10(c)(13), "(See Sections 530.80 and 570.40)" was added following "on that site".

In Section 510.10(c)(13), language in the fourth line was changed to read "... or the Administrative Rules in Title 17 at that site."

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

In Section 510.10(d)(4), "Site" was changed to "Department"; in line 2 "(See Part 670, Section 670.20)" was added following "permits"; and "that" was added prior to "hunters" in line 4.

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

- 15) SUMMARY AND PURPOSE OF AMENDMENTS: These amendments were promulgated to provide for clarification in statewide rules and to simplify Sections which pertain to hunting and trapping regulations for specific species and State-managed sites by deleting duplicative language.

- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 510
GENERAL HUNTING AND TRAPPING ON
DEPARTMENT-OWNED OR -MANAGED SITES

- Section
510.10 General Site Regulations
510.20 Hunting and Trapping by Special Permit

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 1.13, 1.20, 2.1, 2.2, 2.6, 2.7, 2.9, 2.13, 2.18, 2.20, 2.24, 2.25, 2.26, 2.27, 2.28, 2.30, 2.33 and 3.5) and by Section 63a28 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 63a28)

SOURCE: Adopted at 5 Ill. Reg. 8011, effective July 24, 1981; codified at 5 Ill. Reg. 10633; amended at 6 Ill. Reg. 9637, effective July 21, 1982; amended at 7 Ill. Reg. 10775, effective August 24, 1983; amended at 8 Ill. Reg. 13700, effective July 24, 1984, amended at 9 Ill. Reg. 11610, effective July 16, 1985; amended at 10 Ill. Reg. 15597, effective September 16, 1986; amended at 11 Ill. Reg. 9535, effective May 5, 1987; amended at 12 Ill. Reg. 11724, effective June 30, 1988; amended at 13 Ill. Reg. 10583, effective June 19, 1989; amended at 14 Ill. Reg. 14762, effective September 4, 1990.

Section 510.10 General Site Regulations

a) Regulations

- 1) All applicable regulations found in the Wildlife Code (Ill. Rev. Stat. 1987-1989, ch. 61, pars. 1.2 et seq.), federal regulations (50 CFR 1, effective September 30, 1985) and Department of Conservation (Department or DOC) Administrative Rules apply on any Department site.

- 2) All the regulations cited in this Part apply to all Department species rules, unless the species rule is more restrictive.

b) Definitions:

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- 1) Unauthorized person - any individual who is not a Department employee or an individual who is not present for the purpose of hunting or trapping.
 - 2) Designated area - a defined location at a site with a set boundary within which only a specified recreational activity such as hunting or trapping may take place during a publicly announced time period.
 - 3) Restricted area - a defined location at a site with a set boundary within which hunting and/or trapping is prohibited.
 - 4) Refuge area - a defined location at a site with a set boundary within which no public activity or presence is allowed, except as authorized by the site superintendent when it is determined that activity such as nature studies, hiking, fishing or camping would not be detrimental to the purpose of the refuge.
 - 5) Adult - a person 18 years of age or older.
- c) It shall be unlawful:
- 1) For any person to possess or consume any alcoholic beverage, including beer or wine, prior to or while on any site for the purpose of hunting or trapping.
 - 2) To hunt or trap on any site with a manned check station without first declaring game killed on a previous hunt and in possession either on the hunter's person or in his vehicle.
 - 3) To construct or use any tree stand using nails, screws or any device which pierces or cuts the bark of the tree on which it is installed. Any tree stand must be portable and must be removed at the end of each day.
 - 4) To hunt or trap in restrictively posted areas, developed recreation areas, and within 100 yards of construction sites, residences, and developed recreation areas.
 - 5) For unauthorized persons to use or occupy in any

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manner designated hunting areas during the permit hunting season, when authorized hunting is in progress.

- 6) To use any site when the site superintendent or his authorized representative determine and state that weather, water, equipment, or other conditions make the use of the site unsafe.
- 7) To hunt or trap outside designated areas at the site.
- 8) To trespass within a refuge.
- 9) To hunt or trap on any Department-owned or -managed land that is not open to hunting or trapping pursuant to applicable species rules (17 Ill. Adm. Code 530, 550, 570, 590, 650, 670, 690, 710, 730, and 740).
- 10) To buy, sell or commercialize hunting or trapping rights, directly or indirectly, except that this does not apply to Department of Conservation hunting or trapping fees.
- 11) To hunt or trap without a valid permit where permits are required.
- 12) To enter a refuge or restricted area to retrieve wounded game unless accompanied by a duly authorized representative of the Department or other duly commissioned officer authorized by the Department. Authorization may be obtained from any Department employee at the site. Authorization will be based upon person's apparent ability to retrieve game without dog or weapons.
- 13) To hunt or trap on a site for the remainder of the controlled hunting or trapping season on that site (see Sections 530.80 and 570.40) after being issued a citation for violation of the Wildlife Code or the Administrative Rules in Title 17 at that site. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Conservation, 524 S. Second Street, Springfield, IL 62706. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

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d) Specific Management Procedures

- 1) Specific management procedures will be posted at either check stations or site parking lots at the site so the procedures will be visible to the public.
- 2) Where there is a check station in operation, or where designated, hunters must sign in and/or sign out, and report their kill within fifteen minutes, or as posted, after completing their hunt. Some areas require the wearing of a back patch and depositing hunting license (or Firearm Owner's Identification card if the hunter is exempt from buying a license).
- 3) At sites where windshield permits are issued, such permits must be displayed in a location visible through the windshield of the vehicle while hunting.
- 4) Department will have the authority to issue archery permits in addition to the two statewide permits (see Part 670, Section 670.20); and to designate the sex of deer (antlered or antlerless) that hunters may harvest through site-specific regulations.

e) For all those species to which a daily and/or possession limit shall apply, each hunter shall maintain his bag of said species separate and distinct from those of all other hunters.

f) Only shotgun or bow and arrow shall be used unless otherwise specified.

g) If hunter or trapper quotas are necessary at any site, the quotas will be determined at the discretion of the Department and posted at the site unless the public is notified by news release that the quota will be filled by drawing ~~enor~~ special permit. Hunter and trapper quotas are determined by the formula 1 hunter or trapper per 10-40 acres. Acres are determined by but not limited to the biological studies on the number of the species available, the condition, topography and configuration of the land at the site, the condition of the roads at the site and the number of employees available to work at the site. All quotas are filled on a first-come, first-served basis unless the public is notified by

DEPARTMENT OF CONSERVATION

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public news release that the quota will be filled by a drawing or special permit. The Department shall use a special permit or drawing quota system whenever past hunter or trapper participation at a particular site reveals that the demand exceeds the quota established by the Department.

- h) Hunters are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches while hunting cock pheasant, quail, Hungarian partridge, rabbit, snipe, rail and woodcock. Trappers are required to wear a cap and upper outer garment of solid and vivid blaze orange during the upland game season on sites where upland game hunting is in progress.

(Source: Amended at 14 Ill. Reg. 14762, effective September 4, 1990)

1) HEADING OF THE PART: Hunting Season for Game Breeding and Hunting Preserve Areas

2) CODE CITATION: 17 Ill. Adm. Code 745

3) SECTION NUMBERS: ADOPTED ACTION:
745.10 Repealed
745.20 Repealed
745.30 Repealed

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30)

5) EFFECTIVE DATE OF REPEALER: September 4, 1990

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: August 31, 1990

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: April 20, 1990, 14 Ill. Reg. 5647

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THIS REPEALER:
No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: None

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THIS REPEALER REPLACE AN EMERGENCY RULE (AMENDMENT REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No

15) SUMMARY AND PURPOSE OF AMENDMENTS: This Part was adopted in 1986 for the purpose of establishing a three year period to evaluate an experimental program to determine the public desire for year-round hunting as evidenced by hunter days and potential quality of off-season hunting based upon evaluation of game birds and the hunter's expressed satisfaction.

When the Part was initially adopted, it was to be

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED REPEALER

automatically repealed at the end of the three-year period. The Department has determined that the evaluation period should be extended. Therefore, this Part is being repealed and a new Part containing the requirements for the continuation of the program was published at 14 Ill. Reg. 4351, March 23, 1990, and is being adopted at this time.

16) INFORMATION AND QUESTIONS REGARDING THIS REPEALER SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 1) HEADING OF THE PART: Hunting Season for Game Breeding and Hunting Preserve Areas
- 2) CODE CITATION: 17 Ill. Adm. Code 745
- 3) SECTION NUMBERS: ADOPTED ACTION:
745.10 New Section
745.20 New Section
745.30 New Section
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 3.27, 3.29 and 3.30 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30)

- 5) EFFECTIVE DATE OF RULES: September 4, 1990
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DOES THIS RULEMAKING CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: August 31, 1990
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 23, 1990, 14 Ill. Reg. 4351
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

The Main Source Note was changed to read: Adopted at 10 Ill. Reg. 13645, effective August 14, 1986; Part repealed, new Part adopted at 14 Ill. Reg. _____, effective _____."

In Section 745.10, 745.10(a) and 745.30, "all-year" was hyphenated.

In Section 745.10, "hand-reared" was hyphenated.

In Section 745.20, "April 15" was changed to "April 16".

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

- 13) WILL THESE RULES REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF RULES: This Part outlines the criteria the Department of Conservation will use to evaluate all-year hunting of hand-reared game birds on certain game breeding and hunting preserve areas.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED RULES SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED RULES BEGINS ON THE NEXT PAGE:

17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

Game birds may be taken all year on any game breeding and hunting preserve area that notifies the Department of its intent to continue hunting during April 16 - August 31. Notification must be received in writing by April 1.

PART 745
HUNTING SEASON FOR GAME BREEDING AND HUNTING PRESERVE AREAS

Section 745.10	Purpose
745.20	Hunting Season
745.30	Evaluation Requirements
AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30).	

SOURCE: Adopted at 10 Ill. Reg. 13645, effective August 4, 1986; Part repealed, new Part adopted at 14 Ill. Reg. 14771, effective September 4, 1990.

Section 745.10 Purpose

The Department of Conservation (Department) will evaluate all-year hunting of hand-reared game birds on certain game breeding and hunting preserve areas. The evaluation shall be based on the following criteria:

- a) Demand for all-year hunting, as measured by the number of hunters who utilize the hunting preserve areas designated in Section 745.20 between April 16 and August 31 combined with the number of hunters whose reservation requests are denied, if any;
- b) Quality of hunting during April 16 to August 31, as measured by the ability of breeders to provide hand-reared game birds during this period, the field performance of the birds during this period, perceptions of hunters in regard to hunting during this period compared to standard season hunting and quality of the hunting dog field performance;
- c) Public acceptance of all-year hunting, as measured by public comment received by the Department of Conservation during the pilot program period.

Section 745.20 Hunting Season

Game birds may be taken all year on any game breeding and hunting preserve area that notifies the Department of its intent to continue hunting during April 16 - August 31. Notification must be received in writing by April 1.

Section 745.30 Evaluation Requirements

Any game breeding and hunting preserve area participating in the all-year hunting evaluation which refuses to cooperate with the Department's investigation and evaluation procedures will, upon written notification, be eliminated from the all-year hunting evaluation. The hunting season on any preserve area eliminated from the all-year hunting evaluation will be as specified in Section 3.30 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, par. 3.30).

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Beaver and Woodchuck (Groundhog) Trapping

2) CODE CITATION: 17 Ill. Adm. Code 570

3) SECTION NUMBERS: ADOPTED ACTION:

570.20 Amendments
570.30 Amendments
570.40 Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5).

5) EFFECTIVE DATE OF AMENDMENTS: September 4, 1990

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: August 31, 1990

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 16, 1990, 14 Ill. Reg. 3764

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION: All references to "Ill. Rev. Stat." were updated to the 1989 version and

In Section 570.40(b), "Ten Mile Creek State Fish and Wildlife Area", following the words "be returned", the following was added "to the site office".

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT REPEALER) CURRENTLY IN EFFECT? No

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? Yes

Section Numbers Proposed Action Illinois Register Citation
570.20 Amendments 14 Ill. Reg. 13108, 8/17/90
570.30 Amendments 14 Ill. Reg. 13108, 8/17/90

15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this Part are based upon biological surveys and data analyses which have resulted in the determination that modifications to furbearer trapping regulations are necessary to maintain and manage healthy populations of furbearers.

The changes include updating season dates and expanding/modifying/decreasing hunting programs at State-owned or managed sites as recommended following evaluation of site specific resources.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK,
WEASEL, RED FOX, GRAY FOX, COYOTE, BEAVER AND
WOODCHUCK (GROUNDHOG) TRAPPING

Section
570.10
570.20
570.30
570.40

Statewide Zones
Statewide Season Dates
Statewide Hours, Daily Limit and Possession Limit
Trapping Regulations on Department-Owned, -Leased or
-Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33, and 3.5 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 2.30, 2.33 and 3.5).

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990.

Section 570.20 Statewide Season Dates

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
- 1) Northern Zone: November 15 through December 29.
 - 2) Southern Zone: November 25 through January 8.
- b) Red fox, gray fox and coyote
- 1) Northern Zone: November 25 through December 29.
 - 2) Southern Zone: November 25 through January 8.
- c) Beaver

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- 1) Northern Zone: November 15 through March 15, except those portions of Carroll, Whiteside and Rock Island counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line will be open to beaver trapping only from November 15 through December 29, inclusive.

- 2) Southern Zone: November 25 through March 15.

d) Woodchuck (Groundhog)

Northern and Southern Zones: June 1 through September 30.

(Source: Amended at 14 Ill. Reg. 14775, effective September 4, 1990)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
- 1) Trapping hours: November 15 in the Northern Zone and November 25 in the Southern Zone open for trapping at sunrise; December 29 in the Northern Zone and January 8 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

b) Red fox, gray fox and coyote

- 1) Trapping hours: November 25 open for trapping at sunrise; December 29 in the Northern Zone and January 8 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

c) Beaver

- 1) Trapping hours: November 15 in the Northern Zone and November 25 in the Southern Zone open for trapping at sunrise; March 15 closed for trapping after sunset except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line, are closed for trapping

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December 29 after sunset; otherwise, hours are unrestricted.

- 2) Daily and possession limit: None

d) Woodchuck (groundhog)

- 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours unrestricted.

- 2) Daily and possession limit: none.

(Source: Amended at 14 Ill. Reg. 14775, effective September 4, 1990)

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

- 1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- 2) On areas where special Department tags are issued to trappers, traps without tags attached will be subject to confiscation.
- 3) Trappers must stay within designated areas.
- 4) For sites where permits are required a drawing will be held prior to the opening of the season. The date of the drawing will be announced by the Department by news release and the drawing will be held at the site. The number of permits per site will be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing.
- 5) All sites except Amax Leased Lands, Lake Kincaid, Mississippi River Pools 16, 17, 18, 21, 22, 23, 24, Rend Lake Wildlife Management Area, Sanganois Fish and Wildlife Area and Savanna Ordnance Depot require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report will result in the trapper being ineligible to trap at

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that site for the following year.

- 6) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.

- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses), in addition, body gripping traps with a 10 inch jaw spread or larger must be totally submerged in water when set:

Amax Leased Lands

Anderson Lake Conservation Area (no trapping during duck season; permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Argyle Lake State Park (permit required; water sets only; beaver trapping only; square body-gripping traps with 10 inch jaw spread only)

Banner Marsh State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used)

Big Bend Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; after the close of upland season foot-hold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Carlyle Lake Wildlife Management Area (permit required; permit must be carried at all times when the trapper is on the area; water sets only; no trapping within 200 feet of developed recreation areas; no trapping in the subimpoundment area until after the close of the duck hunting season (the subimpoundment area is defined as that area bordered

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by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary and includes impoundment numbers 1, 2, 3 and 4); all traps used must be tagged with special Carlyle Lake trap tags which will be issued at the site headquarters)

Clinton Lake Recreation Area (permit required; water sets only)

Coffeen Lake State Park (permit required; water sets only; no trapping during duck season)

Coleta Ponds (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Dog Island Wildlife Management Area (permit required; water sets only)

Eldon Hazlet State Park - north of Allen Branch and west of Peppenhorst Branch only (permit required; water sets only)

Fort de Chartres Historical Site (permit required; water sets only)

Fox Ridge State Park (permit required; water sets only; no more than two persons may enter drawing on a single card; current or previous year's Illinois trapping license required to enter drawing; trapping limited to Embarrass River only; all traps must be water sets only; furthermore, only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used; beaver trapping ends with the close of muskrat season)

Giant City State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used)

Green River State Wildlife Area (Lee County Conservation Area) (no trapping until after the close of the permit pheasant season; permit

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required)

Hennepin Canal Parkway including Sinnissippi Lake (permit required; water sets only; trappers must register at park office; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season)

Horseshoe Lake Conservation Area (Alexander County) (permit required; water sets only; ~~beaver, muskrat-trapping-only~~)

I & M Canal (permit required; only box or cage-type traps may be used for land sets)

Johnson-Sauk Trail State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used ~~for water sets~~)

Kaskaskia River Fish and Wildlife Area (permit required; water sets only; Doza Creek Waterfowl Management Area closed three days prior to and during duck season)

Kidd Lake

Lake Kinkaid

Lake Le-Aqua-Na State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Lake Shelbyville Eagle Creek Wildlife Management Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; ~~body-gripping traps with a jaw spread exceeding five~~)

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~~inches are limited to water sets only; all traps must be tagged with the letters ECWA and the year; permit must be in possession when on the area for trapping purposes; only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of the muskrat season)~~

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (permit required; current or previous year's Illinois trapping license required to enter drawing; no more than 50 traps may be used per permit; no trapping in Fish Hook, Jonathan Creek, Dunn or McGee Waterfowl Areas during waterfowl season; ~~body-gripping traps with a jaw spread exceeding 5 inches are limited to water sets only; all traps must be tagged with the letters SFWA and the year; only body-gripping traps with a jaw spread of 5 inches or less or foot-hold traps with a jaw spread of 4 1/2 inches or less may be used for land sets; square body-gripping traps with a 10 inch jaw spread may be used for water sets; beaver trapping closes at the end of muskrat season)~~

Mackinaw River State Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Marshall County Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)

Mermet Lake Fish and Wildlife Area (permit required; ~~water sets only; beaver, mink and muskrat trapping only)~~

Mississippi Palisades State Park (permit required; water sets only; beaver trapping only; square

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body-gripping traps with 10 inch jaw spread only)
Mississippi River Pools 16, 17, 18, 21, 22, 23, 24
Mississippi River Pools 25, 26 (permit required; water sets only; no trapping during waterfowl season)

Morrison Rockwood State Park (permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box or cage-type traps may be used for land sets)

Panther Creek Conservation Area

Pyramid State Park (permit required; water sets only; ~~beaver, mink and muskrat trapping only~~)

Randolph County Conservation Area (permit required; water sets only)

Rend Lake Wildlife Management Area (no body-gripping traps may be used for land sets)

Rice Lake Fish and Wildlife Area (no trapping during duck season; permit required; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; only box- or cage-type traps may be used for land sets)

Rock Cut State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Sanganois Fish and Wildlife Area (no trapping in designated duck rest areas during the duck season)

Sangchris Lake Fish and Wildlife Area (permit required; water sets only; no trapping during duck season)

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Savanna Ordnance Depot (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Shabbona Lake State Park (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets)

Sparland Fish and Wildlife Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; no trapping during duck season)

Spring Lake Conservation Area (permit required; water sets only; only body-gripping traps with a jaw spread of 5 inches or less, foot-hold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; ~~no trapping during duck season~~)

Ten Mile Creek State Fish and Wildlife Area (permit required; ~~water sets only; areas designated as Refuge are closed to all access during Canada Goose Season only; permits must be returned to the site office by March 15.~~)

Turkey Bluffs Fish and Wildlife Area (permit required; water sets only)

Union County Conservation Area (permit required; ~~water sets only; beaver, mink and muskrat trapping only~~)

Washington County Conservation Area (permit required; water sets only)

- c) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which will be issued by the Department when it is determined

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that the harvest of a species would enhance the biological balance of the resource.

- 1) All regulations will be according to species regulations as provided for in this Part.
- 2) Permit application information and site specific regulations will be announced publicly by the Department through the news media by September 1 of each year.
- 3) Site specific regulations will be listed on the application and permit and posted at the site.

(Source: Amended at 14 Ill. Reg. 14775, effective September 4, 1990)

NOTICE OF ADOPTED AMENDMENTS

1) HEADING OF THE PART: White-Tailed Deer Hunting by Use of Bow and Arrow

2) CODE CITATION: 17 Ill. Adm. Code 670

3) SECTION NUMBERS:

670.10
Amendments
670.30
Amendments
670.40
Amendments
670.50
Amendments
670.55
Amendments
670.60

ADOPTED ACTION:

Amendments
Amendments
Amendments
Amendments
Amendments

4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36).

5) EFFECTIVE DATE OF AMENDMENTS: September 4, 1990

6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: August 31, 1990

9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: March 23, 1990, 14 Ill. Reg. 4372

10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No

11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

All references to "Ill. Rev. Stat." were updated to the 1989 version.

In Section 670.40(a), the language being added as the second sentence was changed to read: "An antler-less only permit authorizes the holder to take only a deer without antlers or a deer no having any antler of a length of 3 inches or more."

12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes

13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No

NOTICE OF ADOPTED AMENDMENTS

14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? Yes

Section Numbers Proposed Action Illinois Register Citation
670.60 Amendments 14 Ill. Reg. 11437, 7/20/90

15) SUMMARY AND PURPOSE OF AMENDMENTS: The amendments to this part are based upon biological surveys and data analyses which have resulted in the determination that modifications to the archery white-tailed deer hunting regulations are necessary to maintain and manage healthy populations of deer

The changes include expanding/modifying/decreasing deer hunting programs on State-owned or managed sites and clarification of the permit issuance and harvest reporting process.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Jack Price
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 670

WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

670.10 Statewide Open Seasons and Counties

670.20 Statewide Deer Permit Requirements

670.30 Statewide Legal Bow and Arrow

670.40 Statewide Deer Hunting Rules

670.50 Rejection of Application/Revocation of Permits

670.55 Reporting Harvest

670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, pars. 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5, and 3.36).

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990.

Section 670.10 Statewide Open Seasons and Counties

- All regulations set forth in Chapter 61, Section 2.26 of the Wildlife Code apply in this rule.
- For Cook, DuPage, Kane and Lake counties - October 1 through December 31.
- For all other counties - October 1 through December 31 except during the period when deer hunting with a firearm is permitted.
- Hours are half hour before sunrise to sunset unless site

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specific regulations are ~~more~~ restrictive.

(Source: Amended at 14 Ill. Reg. 14787, effective September 4, 1990)

Section 670.30 Statewide Legal Bow and Arrow

- The only legal hunting devices to take, or attempt to take, deer are: a long, recurved, or compound bow with minimum pull of 40 pounds at some point within a 28-inch draw; a metal barless broadhead hunting arrow that cannot pass through a 7/8 inch diameter hole is the only legal arrow. All other bows and arrows are illegal.
- A crossbow device is illegal except as provided by Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 19871989, ch. 61, par. 2.26). It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.
- Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal, except as noted in subsection (b) above.

(Source: Amended at 14 Ill. Reg. 14787, effective September 4, 1990)

Section 670.40 Statewide Deer Hunting Rules

- The bag limit is one deer of either sex or an antler-less deer per single archery permit during the legal archery season. An antler-less only permit authorizes the holder to take only a deer without antlers or a deer not having any antler of a length of 3 inches or more. Hunters who voluntarily choose two archery permits will not be allowed to obtain a firearm permit of any type until after October 31.
- Totally white white-tailed deer are protected by Illinois law and are illegal to kill, pursuant to Sec. 2.24 of the Wildlife Code (Ill. Rev. Stat. 19871989, ch. 61, par. 2.24)
- The Archery Deer Hunting Permit shall be signed and carried with you while hunting.
- The leg tag shall be attached and sealed to the leg of

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the deer at the kill site before the deer is moved or transported. Such leg tag shall remain with the deer carcass while being processed for consumption or other purposes. The leg tag can be discarded only after the deer has been processed, prepared for consumption, and is at the legal residence of the person who legally took or possessed the deer. The head/antler or hide tag shall be attached to the head/antler and hide when detached from the carcass. The head/antler and hide tags shall remain attached to the head/antler or hide as long as the head/antler or hide remains in green state, or when in a commercial business for the purpose of taxidermy, tanning, or other manufacturing processing.

e) Hunters shall not have in their possession any deer permit issued to another person during deer hunting hours. (Permits are non-transferable).

f) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 14 Ill. Reg. 14787, effective September 4, 1990)

Section 670.50 Rejection of Application/Revocation of Permits

a) In the event that an applicant is in violation of one of the following, his or her application will be held in suspension, and the application fees will be deposited, pending final disposition of the offense for which the applicant is charged:

- 1) Using a hunting rights lease, ~~land trustee~~, mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain an archery deer permit;
- 2) Submitting more applications in the same name for an archery deer permit than allowed for in Section 670.20;
- 3) Providing false and/or deceptive information on the deer permit application form.

b) Any violations of the Wildlife Code (Ill. Rev. Stat. 1987-1989, ch. 61, pars. 1.1 et seq.) or administrative

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rules of the Department (17 Ill. Adm. Code, Chapter I), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 14 Ill. Reg. 14787, effective September 4, 1990)

Section 670.55 Reporting Harvest

a) Within 48 hours of taking a deer by bow and arrow, the hunter must either check the deer in at a county archery check station or complete and send the mail-in portion of the deer permit to the Department.

b) Site specific reporting requirements must be followed in addition to this Section.

c) Failure to follow this Section constitutes illegal possession of deer.

(Source: Amended at 14 Ill. Reg. 14787, effective September 4, 1990)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.

b) Statewide regulations as provided for in this Section shall apply except as noted in parentheses for the following sites:

AMAX Leased LandsCampbell Pond Wildlife Management Area

Carlyle Lake - Carlyle Lake Wildlife Management Area and Corps of Engineers managed lands (except Carlyle Lake Wildlife Management Area in the Subimpoundment Area, hunting closed three days prior to and during the regular waterfowl season).

Dog Island Wildlife Management Area

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area, a part of this site,

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closed to hunting three days prior to the regular duck season).

Eldon Hazlet State Park (North of Allen's Branch and West of Peppenhurst Branch only)

Horseshoe Lake Conservation Area, Alexander County, north of Route 3 only

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Areas

Lake Kinkaid Fish & Wildlife Area

Little Black Slough State Natural Area

Lower Cache River State Natural Area

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25 and 26

Panther Creek Conservation Area

Pike County Conservation Area (No hunting after November 30 in Area A)

Rend Lake Wildlife Management Area

Rockhouse Creek (Monroe County)

Sangamon County Conservation Area

Sanganois Conservation Area

Shawnee National Forest, LaRue Scatters

Shawnee National Forest, Oakwood Bottoms

Ten Mile Creek Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose season only; windshield cards must be displayed on dashboard of vehicle; permits must be returned by February 15.)

Union County Conservation Area - Firing Line Management Unit

Wildcat Hollow State Forest

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- c) Statewide regulations as provided for in this Part shall apply except that all hunters must check in and check out and report deer harvested at the check station. Any other variations are given in parentheses for the following sites:

Argyle Lake State Park (season - October 15 - December 31)

Banner Marsh Fish and Wildlife Area (Season opens day after close of waterfowl season - December 31)

Big Bend Conservation Area

Big River State Forest

Castle Rock State Park (season - November 1 - December 31)

Crawford County Conservation Area

Fort de Chartres Historic Site

Franklin Creek State Park

Hamilton County Conservation Area

Johnson Sauk Trail State Park (October 1 - the day before the upland game season and on Mondays and Tuesdays during the upland game season)

Jubilee College State Park (closed the 1st weekend - Saturday and Sunday - of October)

Lee County Conservation Area (closed during permit pheasant season)

Mackinaw River State Fish and Wildlife Area

Marsilles Fish and Wildlife Area (no hunting on Friday, Saturday, or Sunday in October)

Marshall State Fish and Wildlife Area

~~Mississippi Palisades State Park (season - November 1 - December 31)~~

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Randolph County Conservation Area

Red Hills State Park

Rice Lake (season - the day after the close of the duck season - December 31)

Saline County Conservation Area

Sam Parr Fish and Wildlife Area

Shabbona Lake State Park (Indian Road Wildlife Management Area)

Silver Springs State Park (daily quota posted at site; quota filled on first-come, first-serve basis)

Tapley Woods State Natural Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area (closed until 3 p.m. Wednesday - Sunday during pheasant, quail and rabbit season)

Wayne Fitzgerald State Recreation Area (season October 1 - November 5⁴)

Woodford County Conservation Area

- d) Statewide regulations as provided for in this Part shall apply for deer bow hunting except that hunters must check out and report their harvest; any reduced hunting season and/or daily hunting hours if required are given in parentheses for the following sites:

Anderson Lake Conservation Area

Beaver Dam State Park (hunting in designated area: hunting dates October 29 - November 2 and November 5 - November 9; number of hunters limited to two during each 5-day period; public drawing held at site office)

Ferne Clyffe State Park

Ft. Massac State Park

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Giant City State Park

Horseshoe Lake Public Hunting Area (opens with the close of the quota zone goose season through December 31)

I-24 Wildlife Management Area

Iroquois County Conservation Area (closed Wednesday through Sunday of the permit pheasant season and during the non-permit pheasant season, except that hunting is permitted according to statewide regulations in the 80 acres north and east of Hooper Branch Nature Preserve)

Mermet Conservation Area

Mt. Vernon Game Farm (November 1 - December 31)

Pere Marquette State Park (except in designated areas where hunting dates are from October 30 through November 3 and from November 6 through November 10; number of hunters limited to 15 during each 5 day period; public drawing held at Region IV Office)

Pyramid State Park

Sam Dale Lake Conservation Area

Siloam Springs State Park

Trail of Tears State Forest

Union County Conservation Area Public Hunting Area (opens with the close of the quota zone goose season through December 31)

Weinberg-King State Park

- e) Statewide regulations as provided for in this Part shall apply and in addition hunters must obtain season permits at the site office or through the mail prior to hunting and must report success immediately after taking deer with additional requirements given in parentheses at the following sites:

Des Plaines Conservation Area (closed during the

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site's pheasant hunting season, except open on Mondays and Tuesdays only)

Kankakee River State Park (Bow deer hunters hunting south of the Kankakee River are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches between the hours of 9:00 a.m. to 3:00 p.m. on those days when pheasant, quail and rabbit hunting is allowed; the area north of the Kankakee River is closed to all hunting after November 30)

Mississippi Palisades State Park (season November 1 - December 31)

Moraine View State Park (closed Wednesday through Sunday during permit pheasant season)

Pekin Lake State Fish and Wildlife Area (no hunting south of Big Lick Creek)

Rock Cut State Park (November 1 - December 31; hours 1/2 hour before sunrise to 10:00 a.m.)

Sand Ridge State Forest

Spring Lake Conservation Area

- f) Statewide regulations as provided for in this Part shall apply except that all hunters must check in and check out and report deer harvested at the check station. Any other variations are given in parentheses for the following site:

Sangchris Lake Fish and Wildlife Area (Hunting is prohibited within 200 yards of developed areas such as picnic and camping areas. The Peninsula and West Shoreline Areas will be open for hunting from October 1 until the opening day of waterfowl season and from the close of waterfowl season through December 31; closed also during the Youth Hunt. The North Mainland and East Mainland Areas will be open from October 1 through December 31; closed during the Youth Hunt. Areas open for hunting will include: Peninsula Area (DOC and Commonwealth Edison-owned portions of the middle and east peninsulas; boat access only). West Shoreline Area (west shoreline of the west arm of the lake between the site office

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and the west boat dock; the area immediately adjacent to the waterfowl refuge will be inviolate for the ten days before waterfowl season; foot access from site office or west boat dock area; boat access from west boat dock. North Mainland Area (north and east of both the site office and Deer Run Campground). East Mainland Area (the east Boat Dock area, Pheasant Run, and Maple Flats))

- g) Statewide regulations as provided for in this Part shall apply except that hunting will be permitted on Saturdays and Sundays only as announced by the Department of Conservation at the following site. Hunter quotas will be announced by public news release. The check station will open at 5:00 a.m. and all hunters must check in and exchange their hunting license for a back patch which must be worn at all times while in the field. All hunters must check out immediately after hunting. Parking is permitted at designated parking areas only.

Site "M" Cass County

- h) Statewide regulations as provided for in this Part shall apply, except bow hunting will be allowed only during the area legal waterfowl season. Hunting hours are from one half hour before sunrise to 12 noon, hunters must check out by 1 p.m. A drawing will be held at check station 90 minutes before sunrise; hunters must deposit their hunting license at check station before proceeding to the hunting area; hunters must wear DOC issued back patch while hunting. Only those hunters whose names have been drawn in the daily drawing will be allowed to hunt. Hunting is closed on Mondays and Tuesdays.

Heidecke State Fish and Wildlife Area

- i) Statewide regulations as provided for in this Part shall apply, except bow hunting will be allowed only on Mondays and Tuesdays, beginning on the Monday prior to the opening of permit pheasant hunting season and closing on the Tuesday following the close of the permit pheasant hunting season in designated areas only. Daily quota filled on first-come, first-serve basis. Hunting hours are from one-half hour before sunrise to 2:00 p.m. except on Christmas day when the area is closed to hunting. Hunters must check out by 3:00 p.m. Hunters must check in, check out, and report deer harvested at the main park entrance gatehouse.

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Chain O'Lakes State Park

- j) Hunters must obtain a free permit from the site office. The permit must be in possession while hunting; failure to report harvest by February 15 will result in loss of hunting privileges at the site for the following year.

Clinton Lake State Recreation Area

Eagle Creek State Park

Fox Ridge State Park

Hidden Springs State Forest

Lake Shelbyville Eagle Creek Wildlife Management Area

Ramsey Lake State Park

Stephen A. Forbes State Park

- k) Hunters must obtain free permit from site office; permit must be returned and harvest reported by February 15; failure to return permit will result in loss of hunting privileges the next season.

Kickapoo State Park

Middlefork Fish and Wildlife Area

(Source: Amended at 14 Ill. Reg. 14787, effective September 4, 1990)

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1) Heading of Part: ILLINOIS POLICE TRAINING ACT2) Code Citation: 20 Ill. Adm. Code 17203) Section Number: Proposed Action:
1720.20 Amendment
1720.25 Amendment4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 85, par. 5075) Effective Date of Rules: September 4, 19906) Does this rulemaking contain an automatic repeal date? Yes ☒ No7) Does this rule contain incorporations by reference? Yes ☒ No8) Date Filed in Agency's Principal Office: July 1, 19909) Notice of Proposal Published in Register: April 13, 1990
(14 Ill. Reg. 5378)10) Has JCAR Issued a Statement of Objections to this (these) Rules? No11) Differences between the proposed rules and the final version are: The following clarifying changes have been made to this rulemaking:

"Illinois Police Training Act" has been inserted as the title of this Part in the Notice of Adopted Rules.

In the source note, "amended at 13 Ill. Reg. 19957, effective December 11, 1989" has been inserted after "February 2, 1988;"

Sec. 1720.20(f)

The first two sentences of Sec. 1720.20(f) have been italicized to indicate statutory language.

Sec. 1720.20(h)(2)

Change made: "or correctional" before "work" in the second sentence of Sec. 1720.20(h)(2) has been underlined.

Sec. 1720.20(h)(3)

The title of the "Firearms Training for Peace Officers Act" has been changed to read "AN ACT in relation to Firearms Training for Peace Officers" (Ill. Rev. Stat. 1989, ch. 85, par. 515 et seq.).

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Sec. 1720.25(g)

Change made: "of" after "examination" has been changed to read "a" in section 1720.25(g).

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will the proposed rule replace an emergency rule currently in effect? No.
- 14) Are there any other rules pending on this Part? No
- 15) Summary and purpose of rules: 20 Ill. Adm. Code 1720

The purpose of these rules is to provide standards for the administration of the correctional exam to elevate the training requirements for correctional officers to those requirements as are in existence for law enforcement officers. These rules will allow correctional officers to be aware of the procedures involved in order to receive the necessary training to become certified under State law.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Mr. Terrance Tranquilli, Deputy Director
Illinois Local Governmental Law Enforcement Officers Training Board
Lincoln Tower Plaza, Suite 400
524 South Second
Springfield, IL 62706

Telephone: 217/782-4540

The full text of the Adopted Rules begin on the next page:

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LOCAL GOVERNMENTAL LAW
ENFORCEMENT OFFICERS TRAINING BOARD

PART 1720

ILLINOIS POLICE TRAINING ACT

Section

- 1720.10 Course Requirements
1720.20 Minimum Requirements of the Trainee
1720.25 Procedures for Administration of Law Enforcement and Correctional Officers Certification Examination
1720.30 School Standards and Requirements
1720.40 Qualification of Police Instructors
1720.50 Reimbursements
1720.60 Requirements of Participating Local Agencies
1720.70 Minimum Training Requirements for Illinois Sheriffs
- APPENDIX A Physical Fitness Standards

AUTHORITY: Implementing and authorized by the Illinois Police Training Act (Ill. Rev. Stat. 1987, ch. 85, par. 501 et seq.)

SOURCE: Filed and effective July 26, 1966; codified at 7 Ill. Reg. 11232; amended at 8 Ill. Reg. 12259, effective July 1, 1984; amended at 11 Ill. Reg. 16692, effective October 6, 1987; amended at 12 Ill. Reg. 3728, effective February 2, 1988; amended at 13 Ill. Reg. 19957, effective December 11, 1989; amended at 14 Ill. Reg. 14800, effective September 4, 1990.

Section 1720.20 Minimum Requirements of the Trainee

- a) Regular attendance at all sessions is required. However, excused absences may be granted by the designated Director under certain limited circumstances beyond the trainee's control, which may include, but not be limited to, a death in the family, illness, response to a court subpoena, disability, or a transportation breakdown. In order to successfully complete the course, absences must not exceed ten percent of the total hours of instruction for any Board certified course of instruction.
- b) Maintenance of an adequate classroom notebook. Factors to be considered in rating the notebook are neatness, legibility, accuracy and sufficiency of content. "Adequate", for purposes of this subsection, refers to:
- 1) Neatness. Requires concise organization of the notes. All notes and handouts will be placed in the book or received during the course. Dividers into topics are required; and
 - 2) Legibility. Put down notes in brief, clear complete sentences. Underline the important items. Lined notebooks or typing paper for typing should be used; and

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- 3) Accuracy. The notes taken in class must precisely reflect the content of the class; and
- 4) Sufficiency of content. Putting notes down in the trainee's notebook should be in the trainee's own words. The trainee should strive to achieve condensation of the material clearly and concisely.
- c) Qualifications in the use of firearms as required by the "AN ACT in relation to Firearms Training for Peace Officers" Act 7 (Ill. Rev. Stat. 1983, ch. 85, par. 515, et seq.)
- d) An overall average of 70 percent must be achieved on all written examinations given during any course of training. Separate evaluation of any skill-oriented performance requirements shall be made by the designated Director on a satisfactory/unsatisfactory basis.
- e) The designated Director shall establish standards of conduct for the recruit while enrolled at the academy. These shall include demeanor, deportment and compliance with the discipline and regulations of the school or course. Receipt of certification of the successful completion of the course from the academy shall be deemed proof that the trainee has complied with the requirements of this subsection.
- f) Each trainee who has not been awarded a certificate attesting to his successful completion of the Minimum Standards Basic Law Enforcement Training Course as prescribed by the Board within six (6) months of his initial full-time employment, must forfeit his position, or the employing agency must obtain a waiver from the Board extending the period for compliance. Such waivers shall be issued only for good and justifiable reasons, and in no case shall extend more than ninety (90) days beyond the initial six (6) months. Good and justifiable reasons for a waiver include, but are not limited to, unavailability of academy space for training, illness or disability, and the need for the trainee to serve his department during the initial six-month period.
- g) Each trainee will bring such equipment as required by the Course Director.
- h) A trainee shall pass the State comprehensive examination to qualify as a permanent law enforcement or permanent correctional officer, except as is otherwise provided for in the Act.
 - 1) The test shall be in writing. It shall be administered by the staff of the Board, or such other testing company or association expressly authorized by the Board; and
 - 2) The Board shall establish a minimum passing score. In establishing the minimum passing score, the Board will ensure that the score reflects the knowledge and competency of the trainee for law enforcement or correctional work. The minimum passing score will be established by the Board within the range of 60 to 80 percent of the total score. At the beginning of each academy training course the minimum passing score will be announced; and
- 3) The content of the test for law enforcement officers may include,

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- but not be limited to material in the areas specified in Section 7(b) of the Act, and subjects covered in the "AN ACT in relation to Firearms Training for Peace Officers Act 7 (Ill. Rev. Stat. 1983, ch. 85, par. 515 et seq.); and
- 4) The content of the test for correctional officers may include, but not be limited to, material in the areas specified in 20 Ill. Adm. Code 1750.202, and subjects covered in "AN ACT in relation to Firearms Training for Peace Officers" (Ill. Rev. Stat. 1983, ch. 85, par. 515 et seq.); and
- 5) The Board shall at least biennially review the content of the exam and minimum passing score to ensure they are current and reliable.

(Source: Amended at 14 Ill. Reg. 14800, effective September 4, 1990)

Section 1720.25 Procedures for Administration of Law Enforcement and Correctional Officers Certification Examination

- a) The Comprehensive Examination will be administered to all trainee law enforcement and correctional officers who successfully complete the Trainee Basic Law Enforcement or Correctional Officers Training Course at a State-certified academy.
- b) Trainees who successfully pass the Comprehensive Examination shall be eligible to receive certification attesting to their successful completion of the Minimum Standard Basic Law Enforcement or Correctional Training Requirements.
- c) Examination scores will be reported in writing to the Chief Administrator of the Trainee's employing agency within 14 days of the examination date.
- d) Law Enforcement or Correctional Trainees are required to successfully complete the Comprehensive Examination on one occasion only. There are no requirements for re-qualification.
- e) Only trainees who have been certified by the Academy Director as having met all the requirements of having successfully completed the Trainee Basic Training Law Enforcement or Correctional Officers Course with an average minimum score of 70% are eligible to take the Comprehensive Examination.
- f) Each trainee must be a full-time law enforcement or correctional officer and be employed by a local law enforcement agency.
- g) In the event the trainee fails to successfully complete the Comprehensive Examination on the initial administration, he or she will be allowed to re-take the Comprehensive Examination of a maximum of two times.
- h) In order to be eligible to re-take the Comprehensive Examination, a written request must be submitted by the Chief Administrator of the Officer's employing agency. Upon receipt of the written request, the Board shall administer the re-take examination, except as may

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- otherwise be provided in subsection (o).
- l) Law enforcement or correctional officers who initially fail to successfully complete the Comprehensive Examination will be administered an alternate version of the Comprehensive Examination on any successive re-take(s).
 - j) The Board will establish and publish the locations with the dates and times for the administration of re-take examinations. Such exams will be given at least twice every six months.
 - k) In the event that a law enforcement or correctional officer fails to successfully complete the Comprehensive Examination and is discharged as an employee by a law enforcement agency, he or she is nevertheless eligible to re-take the Comprehensive Examination if employed by another local law enforcement agency. He or she will be viewed as a new trainee by the Board and would be granted all rights that are provided to new trainees as specified herein.
 - l) The Comprehensive Examination will be administered on site at the academies on the last Thursday on the last week of the basic course.
 - m) The trainee will have 3.5 hours to complete the Comprehensive Examination. A trainee will be excused from completing the examination if he/she is ill and excused by the proctor.
 - n) Individuals allowed within the testing area will be limited to Board-approved examination proctors, and those who are taking the examination.
 - o) Any trainee who is uncooperative, disruptive or is thought to be cheating during the administration of the Comprehensive Examination will be ordered by the proctor to turn in his or her examination and to leave the examination area. A complete written report of the incident will then be submitted to the Executive Director of the Board and to the Chief Administrator of the officer's employing agency. The offending trainee shall have the opportunity within seven days to submit a written report to the Executive Director describing the trainee's version of the event. In such cases it will be left to the discretion of the Executive Director to determine whether the officer has forfeited the examination and whether the trainee is eligible to re-take the Comprehensive Examination. The Executive Director's determination will be based on the nature of the officer's misbehavior and on the supporting evidence of such misbehavior.

(Source: Amended at 14 Ill. Reg. 14800, effective September 4, 1990)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: AID TO THE AGED, BLIND OR DISABLED
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Number: Adopted Action:
113.261 New Section
- 4) Statutory Authority: Sections 3-1.2, 3-5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 3-1.2, 3-5 and 12-13)
- 5) Effective Date of Adopted Amendment: September 3, 1990
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Does this Adopted Amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: September 3, 1990
- 9) Notice of Proposal Published in Illinois Register:
May 25, 1990 (14 Ill. Reg. 7813)
- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No
- 11) Differences between proposal and final version: Based on comments received from the Joint Committee on Administrative Rules, the following changes were made to this rulemaking:
 - 1) at line 3 of the title, the word "Other" is changed to "All Other Licensed";
 - 2) an introductory paragraph is added that reads as follows: "The following policy applies to cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and all other Licensed Medical Facilities (see 89 Ill. Adm. Code 140.642).";
 - 3) at line one of subsection (a), the phrase "is allowed" is changed to "shall be permitted"; and

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- 4) at line 2 of subsection (b)(3), the word "th" is corrected to read "the".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
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113.140	Amendment	June 22, 1990 (14 Ill. Reg. 9806)
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113.141	Amendment	June 15, 1990 (14 Ill. Reg. 9307)
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- 15) Summary and Purpose of Adopted Amendment: This rulemaking authorizes a grant for up to six months to maintain a residents in the community when certain criteria is met. Interested persons should also see the Proposed Amendment to 89 Ill. Adm. Code 120.61 which appears in this issue of the Illinois Register.

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113
AID TO THE AGED, BLIND OR DISABLED

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Section	Description of the Assistance Program
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SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	Client Cooperation
113.9	Citizenship
113.10	Residence
113.20	Age
113.30	Blind
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113.50	Living Arrangement
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SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	Unearned Income
113.100	Budgeting Unearned Income
113.101	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.102	Initial Receipt of Unearned Income
113.103	Termination of Unearned Income
113.104	Unearned Income In-Kind
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113.106	Lump Sum Payments and Income Tax Refunds
113.107	Protected Income
113.108	Earned Income
113.109	Budgeting Earned Income
113.110	Protected Income
113.111	Earned Income
113.112	Budgeting Earned Income
113.113	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
113.114	Initial Employment
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113.116	

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Section	
113.117	Budgeting Earned Income For Non-contractual School Employees
113.118	Termination of Employment
113.120	Exempt Earned Income
113.125	Recognized Employment Expenses
113.130	Income From Work/Study/Training Programs
113.131	Earned Income From Self-Employment
113.132	Earned Income From Roomer and Boarder
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113.134	Earned Income In-Kind
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113.140	Assets
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113.142	Asset Disregard
113.143	Deferral of Consideration of Assets
113.154	Property Transfers For Applications Filed Prior To October 1, 1989
113.155	Property Transfers For Applications Filed On Or After October 1, 1989
113.156	Court Ordered Child Support Payments of Parent/Step-Parent
113.157	Sponsors of Aliens
113.160	Assignment of Medical Support Rights
SUBPART D: PAYMENT AMOUNTS	
113.245	Payment Levels for AABD
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113.247	Personal Allowance Amounts
113.248	Shelter
113.249	Utilities and Heating Fuel
113.250	Laundry
113.251	Telephone
113.252	Transportation, Lunches, Special Fees
113.253	Allowances for Increase in SSI Benefits
113.254	Nursing Care or Personal Care in Home Not Subject to Licensing
113.255	Sheltered Care in a Licensed Group Care Facility
113.256	Shopping Allowance
113.257	Special Allowances for Blind and Partially Sighted (Blind Only)
113.258	Home Delivered Meals
113.259	AABD Fuel and Utility Allowances By Area
113.260	Sheltered Care Rates

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Section	
113.261	Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
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AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq. and 12-13)	
SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective	

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September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041 effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 31, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by sections being codified with no substantive

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change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985; amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective August 9, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 10 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 6996, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6,

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1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT AMOUNT

Section 113.261

Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities

The following policy applies to cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities and all other Licensed Medical Facilities (see 89 Ill. Adm. Code 140.642).

- a) A grant shall be permitted for up to six months to maintain a residence in the community when:
 - 1) the individual does not have a spouse and/or dependent children in the home; and
 - 2) a physician has certified that the stay in the facility is temporary and the individual is expected to return home within six months.
- b) To determine the amount of the grant include:
 - 1) \$30.00 for personal allowance (see Section 113.247);
 - 2) rent or property expense that would be allowed in the AABD MAG standard if the individual was at home (see Section 113.248);
 - 3) utility expenses that would be allowed in the AABD MAG standard if the individual was at home (see Section 113.249); and
 - 4) the "grant adjustment" allowance (see Section 113.253).

(Source: Added at 14 Ill. Reg. 14806, effective September 3, 1990)

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1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS

2) Code Citation: 89 Ill. Adm. Code 120

3) Section Number: Adopted Action:

120.61 Amendment

4) Statutory Authority: Section 5-2, 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-2, 5-4 and 12-13)

5) Effective Date of Adopted Amendment: September 3, 1990

6) Does this rulemaking contain an automatic repeal date?

Yes X No

7) Does this Adopted Amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: September 3, 1990

9) Notice of Proposal Published in Illinois Register:

May 25, 1990 (14 Ill. Reg. 7821)

10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No

11) Differences between proposal and final version: Based on comments received from the Joint Committee on Administrative Rules, the following changes were made to this rulemaking:

- 1) at line 2 of the title, after "AABD", the phrase "and All Other Licensed Medical Facilities" is inserted;
- 2) at line one of subsection (a), the phrase "following rule" is changed to "policy set forth in subsections (b), (c) and (d) below"; and at line 5 of subsection (a), a new sentence is added that reads as follows: "The policy set forth in subsection (e) below applies to cases receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and all Other Licensed Medical Facilities (see 89 Ill. Adm. Code 140.642)."; and

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3) at line 2 of subsection (e), the phrase "is allowed" is changed to "shall be permitted".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
120.335	Amendment	June 15, 1990 (14 Ill. Reg. 9343)

15) Summary and Purpose of Adopted Amendment: This rulemaking authorizes a deduction from the income of individuals receiving assistance under the Medical Assistance - No Grant Program for up to six months to maintain a residence in the community when certain criteria is met. Interested persons should also see the Proposed Amendment to 89 Ill. Adm. Code 113.261 which appears in this issue of the Illinois Register.

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Incorporation By Reference

Section
120.1

SUBPART B: ASSISTANCE STANDARDS

Section
120.10
120.11

Eligibility For Medical Assistance
Eligibility For Medical Assistance For Pregnant Women and Children Under Age Six Who Do Not Qualify As Mandatory Categorically Needy
MANG(AABD) Income Standard
MANG(C) Income Standard
MANG(P) Income Standard
Exceptions To Use Of MANG Income Standard
AMI Income Standard

120.20
120.30
120.31
120.40
120.50

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60

All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Under Age Six Who Do Not Qualify As Mandatory Categorically Needy

120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD) and All Other Licensed Medical Facilities

120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643

120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings

120.64 Pregnant Women and Children Under Age Six Years Who Do Not Qualify As Mandatory Categorically Needy

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SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

Section
120.70 Supplementary Medical Insurance Benefits, Buy-In Program
120.72 Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.74 Qualified Medicare Beneficiary (QMB) Income Standard
120.76 Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section
120.80 Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section
120.90 Migrant Medical Program
120.91 Income Standards

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section
120.208 Client Cooperation
120.210 Citizenship
120.211 Residence
120.212 Age
120.215 Relationship
120.216 Living Arrangement
120.217 Supplemental Payments
120.218 Institutional Status
120.224 Foster Care Program
120.225 Social Security Numbers
120.230 Unearned Income
120.235 Exempt Unearned Income
120.236 Education Benefits
120.240 Unearned Income In-Kind
120.245 Earmarked Income
120.250 Lump Sum Payments and Income Tax Refunds
120.255 Protected Income
120.260 Earned Income
120.261 Budgeting Earned Income
120.262 Exempt Earned Income
120.270 Recognized Employment Expenses
120.271 Income From Work/Study/Training Program
120.272 Earned Income From Self-Employment
120.273 Earned Income From Roomer and Boarder

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Section
120.275 Earned Income In-Kind
120.276 Payments from the Illinois Department of Children and Family Services
Assets
120.280 Exempt Assets
120.281 Asset Disregards
120.282 Deferral of Consideration of Assets
120.283 Spend-down of Assets (AMI)
120.284 Property Transfers
120.285 Persons Who May Be Included in the Assistance Unit
120.290 Payment Levels for AMI
120.295

SUBPART H: MEDICAL ASSISTANCE - NO GRANT

Section
120.308 Client Cooperation
120.309 Caretaker Relative
120.310 Citizenship
120.311 Residence
120.312 Age
120.313 Blind
120.314 Disabled
120.315 Relationship
120.316 Living Arrangements
120.317 Supplemental Payments
120.318 Institutional Status
120.319 Assignment of Rights to Medical Support and Collection of Payment
120.320 Cooperation in Establishing Paternity and Obtaining Medical Support
120.321 Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324 Foster Care Program
120.325 Social Security Numbers
120.330 Unearned Income
120.332 Budgeting Unearned Income
120.335 Exempt Unearned Income
120.336 Education Benefits
120.338 Incentive Allowance
120.340 Unearned Income In-Kind
120.342 Court Ordered Child Support Payments of Parent/Step-Parent
120.345 Earmarked Income

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Section
120.346 Medicaid Qualifying Trusts
120.350 Lump Sum Payments and Income Tax Refunds
120.355 Protected Income
120.360 Earned Income
120.361 Budgeting Earned Income
120.362 Exempt Earned Income
120.364 Earned Income Exemption
120.366 Exclusion From Earned Income Exemption
120.370 Recognized Employment Expenses
120.371 Income From Work/Study/Training Programs
120.372 Earned Income From Self-Employment
120.373 Earned Income From Roomer and Boarder
120.375 Earned Income In Kind
120.376 Payments from the Illinois Department of Children and Family Services
120.379 Assessment of Assets
120.380 Assets
120.381 Exempt Assets
120.382 Asset Disregard
120.383 Deferral of Consideration of Assets
120.384 Spend-down of Assets (MANG)
120.385 Property Transfers for Applications Filed Prior to October 1, 1989
120.386 Property Transfers Effective for Applications Filed on or After October 1, 1989
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Under Age Six
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
120.395 Payment Levels for MANG
120.399 Redetermination of Eligibility

AUTHORITY: Implementing Articles Iff, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory

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amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982;

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peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988;

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amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 13 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; emergency amendment at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 15404, effective October 6, 1989; amended at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section 120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and All Other Licensed Medical Facilities

- a) The following rule-policy set forth in subsections (b), (c) and (d) below applies to cases receiving care in

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Section 120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and All Other Licensed Medical Facilities (Cont'd)

Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, or Department of Mental Health and Developmental Disabilities (DMHDD) Facilities. The policy set forth in subsection (e) below applies to cases receiving care in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and all other Licensed Medical Facilities (see 89 Ill. Adm. Code 140.642).

b) Treatment of Resources

- 1) A one-month eligibility period will be used. All nonexempt income and non-exempt assets over the applicable asset disregard (Section 120.382) shall be applied towards the cost of care on a monthly basis. Non-exempt income (see Section 120.360) and assets (see 120.381) are applied towards the cost of care beginning with the first full calendar month of anticipated stay in the facility. Non-exempt income shall be applied toward the cost of care first. If insufficient to meet the cost of care at the private pay rate, then non-exempt assets over the applicable asset disregard shall be used.

- 2) When a client transfers between non-DMHDD facilities or transfers to a DMHDD facility, non-exempt income and/or excess assets are applied first toward the cost of care at the first facility and any balance is applied toward the cost of care at the second facility. If the client transfers from a DMHDD facility to a non-DMHDD facility, non-exempt income and/or excess assets are not applied toward the cost of care at the non-DMHDD facility for the month the transfer occurs. If the client is discharged from a DMHDD facility or non-DMHDD facility to his/her residence in the community or to a community based residential setting (such as Community Living Facility, Special Home Placement, Supported Living Arrangement, Home Individual Program, Community Residential Alternatives as defined at 59 Ill. Adm. Code 120.10), the MANG Community Income Standard is

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Section 120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and All Other Licensed Medical Facilities (Cont'd)

used (see Section 120.20) beginning with the month of discharge from the DMHDD facility or non-DMHDD.

- 3) If non-exempt income and non-exempt assets over the applicable asset disregard are greater than the Department's rate for cost of care, no payment will be made to the facility. However, the client may become eligible for Medical Assistance for other medical expenses by incurring medical expenses equal to the spend-down obligation. The private rate of the facility may be applied to the spend-down obligation in this instance. A full redetermination shall be made every twelve (12) months.

- c) Allow a deduction from the MANG client's income to meet the needs of dependent children under age 21 who do not reside with the community spouse, who do not have enough income to meet their needs and whose assets do not exceed the asset limit. To determine needs and asset limits:

- 1) for dependent children, use AFDC MAG standard and asset disregard (see Sections 120.30 and 120.382).
- 2) allow any payments made on medical bills for the children.

- d) Allow deductions from the MANG clients non-SSI income for a Community Spouse Maintenance Needs Allowance and a Family Maintenance Needs Allowance for each dependent family member who does not have enough income to meet his/her needs. Family members include dependent children under age 21, dependent adult children, dependent parents or dependent siblings of either spouse who are living with the community spouse. To determine the amount of the deduction:

- 1) The deduction for the Community Spouse Maintenance Needs Allowance is equal to the community spouse maintenance needs standard

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Section 120.61

Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG (AABD) and All Other Licensed Medical Facilities (Cont'd)

(\$1,565) less any non-exempt monthly income of the community spouse. The deduction is allowed only to the extent income of the institutionalized spouse is contributed to the community spouse. However, the deduction for the Community Spouse Maintenance Needs Allowance shall not be less than the amount ordered by the court for support of the community spouse or the amount determined as the result of the fair hearing.

- 2) The deduction for the Family Maintenance Needs Allowance for each dependent family member is equal to one-third of the difference between the family maintenance needs standard (122% of the Federal Poverty Level for two persons as of September 30, 1989, 133% as of July 1, 1991 and 150% as of July 1, 1992) and any non-exempt income of the family member.

e) Deduction from MANG program

- 1) A deduction from the MANG program participant's income shall be permitted for up to six months to maintain a residence in the community when:

- A) the individual does not have a spouse and/or dependent children in the home; and
- B) a physician has certified that the stay in the facility is temporary and the individual is expected to return home within six months.

- 2) To determine the amount of the deduction include:

- A) rent or property expense that would be allowed in the AABD MAG standard if the individual was at home; and
- B) utility expenses that would be allowed in the AABD MAG standard if the individual was at home.

(Source: Amended at 14 Ill. Reg. 14814, effective September 3, 1990)

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- 1) The Heading of the Part: MEDICAL PAYMENT

- 2) Code Citation: 89 Ill. Adm. Code 140

- 3) Section Number: Adopted Action:
140.24 Amendment

- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)

- 5) Effective Date of Adopted Amendment: August 31, 1990

- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

- 7) Does this Adopted Amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: August 31, 1990

- 9) Notice of Proposal Published in Illinois Register:
April 13, 1990 (14 Ill. Reg. 5417)

- 10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No

- 11) Difference between proposal and final version: Based on comments received, the following change was made to this rulemaking: in Section 140.24(d), the word "may" was changed to "shall".

- 12) Have all the changes agreed upon by the agency and JCAP been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this Adopted Amendment replace an Emergency Amendment currently in effect? No

- 14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.413	Amendment	March 23, 1990 (14 Ill. Reg. 4860)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.461	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.462	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.463	Amendment	April 20, 1990 (14 Ill. Reg. 5726)
140.471	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.472	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.473	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.474	Amendment	June 8, 1990 (14 Ill. Reg. 8929)
140.475	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.476	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.477	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.478	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.479	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.480	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.481	Amendment	September 29, 1989 (13 Ill. Reg. 15281)
140.485	Amendment	September 7, 1990 (14 Ill. Reg. 14317)

ILLINOIS REGISTER

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.486	Repealed	September 7, 1990 (14 Ill. Reg. 14317)
140.487	Amendment	September 7, 1990 (14 Ill. Reg. 14317)
140.488	New Section	September 7, 1990 (14 Ill. Reg. 14317)
140.523	Amendment	September 14, 1990 (14 Ill. Reg. 14317)
140.528	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.529	Amendment	July 20, 1990 (14 Ill. Reg. 11672)
140.539	Amendment	July 6, 1990 (14 Ill. Reg. 10629)
140.542	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.543	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.544	Repealed	March 16, 1990 (14 Ill. Reg. 4415)
140.545	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.569	Amendment	May 25, 1990 (4 Ill. Reg. 7834)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
140.646	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.647	Amendment	March 16, 1990 (14 Ill. Reg. 4415)

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Section Numbers	Proposed Action	Illinois Register Citation
140.648	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.649	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.650	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140.652	Amendment	March 16, 1990 (14 Ill. Reg. 4415)
140. Table A	Amendment	September 7, 1990 (14 Ill. Reg. 14317.)
140. Table H	Amendment	March 2, 1990 (14 Ill. Reg. 3019)

15) Summary and Purpose of Amendment: This revision addresses the inclusion of policy regarding Alternate Payees and identifies those situations in which the Alternate Payee is acceptable.

16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Dan Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Incorporation By Reference
Medical Assistance Programs
Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy
Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
Covered Medical Services Under GA and AMI
Medical Services Not Covered
Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Six
Medical Assistance For Qualified Severely Impaired Individuals
Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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Section	Effect of Termination on Individuals Associated with Vendor
140.18	
140.19	Application to Participate or for Reinstatement
140.20	Subsequent to Termination, Suspension or Barring
140.21	Submittal of Claims
140.22	Covered Medicaid Services for Qualified Medicare
140.23	Beneficiaries (QMBs)
140.24	Magnetic Tape Billings
140.25	Payment of Claims
140.26	Payment Procedures
140.27	Overpayment or Underpayment of Claims
140.28	Payment to Factors Prohibited
140.29	Assignment of Vendor Payments
140.30	Record Requirements for Medical Providers
140.31	Audits
140.32	False Reporting and Other Fraudulent Activities
140.33	Prior Approval for Medical Services or Items
140.34	Prior Approval in Cases of Emergency
140.35	Limitation on Prior Approval
140.36	Post Approval for Items or Services When Prior
140.37	Approval Cannot Be Obtained
140.38	Drug Manual (Recodified)
140.39	Drug Manual (Recodified)
140.40	Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

Section	Hospital Services (Recodified)
140.94	Participation (Recodified)
140.95	General Requirements (Recodified)
140.96	Special Requirements (Recodified)
140.97	Covered Hospital Services (Recodified)
140.98	Hospital Services Not Covered (Recodified)
140.99	Limitation On Hospital Services (Recodified)
140.100	Transplants (Recodified)
140.101	Heart Transplants (Recodified)
140.102	Liver Transplants (Recodified)
140.103	Bone Marrow Transplants (Recodified)
140.104	Disproportionate Share Hospital Adjustments
140.110	(Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year
140.201	1982 (Recodified)
	Payment for Hospital Services After June 30, 1982
	(Repealed)

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Section	Payment for Hospital Services During Fiscal Year
140.202	1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
140.367	Inflation Adjustment (Recodified)
140.368	Volume Adjustment (Repealed)
140.369	Groupings (Recodified)
140.370	Rate Calculation (Recodified)
140.371	Payment (Recodified)
140.372	Review Procedure (Recodified)
140.373	Utilization (Repealed)
140.374	Alternatives (Recodified)
140.375	Exemptions (Recodified)
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	Payment to Practitioners, Nurses and Laboratories
140.400	Physicians' Services
140.410	Covered Services By Physicians
140.411	Services Not Covered By Physicians
140.412	Limitation on Physician Services
140.413	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
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Section	
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
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140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
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140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
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140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
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140.460	Clinic Services
140.461	Clinic Participation Requirements
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140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
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140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
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140.648	Effective Dates of Reimbursement for Day Programs (Emergency Expired)
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140.880	Statewide Rates (Recodified)
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140.964	Contract Monitoring (Recodified)
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill.

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Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 29, 1984; peremptory amendment at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138,

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effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1742, effective December 15, 1986; amended at 10 Ill. Reg. 21784, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 thru 140.914, Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 thru 147.207, Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89

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Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27,

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1990, for a maximum of 150 days; amended at 14 Ill. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section 140.24 Payment Procedures

a) Payment of valid claims will be made by a State warrant (check) issued through the Office of the State Comptroller. Payments for services rendered by medical providers will only be mailed to:

- 1) The provider's service address, or
- 2) The provider's residence.

b) Payment will not be mailed to lock boxes or post office boxes where street address delivery is available.

c) A long term care facility and its corporate or partnership owner may request the facility's warrant be sent directly to the business address of the corporate or partnership owner. The Department's approval of this type of request will be given only if the owner(s) has a minimum of four facilities which are located within Illinois and which are enrolled with the Department. After approval is given the warrant will be issued in the name of the facility but sent to the business address of the corporate or partnership owner rather than the facility.

d) The Department shall permit individual practitioners to designate an alternate payee if one of the following conditions is met:

- 1) The medical practitioner has a contractual/salary

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arrangement, as a condition of employment with a hospital or professional school.

2) The medical practitioner is part of a practitioner owned group practice consisting of three or more full-time licensed practitioners or the equivalent thereof.

3) The medical practitioner is employed by a practitioner who requires, as a condition of employment, that the fees be turned over to the employer.

(Source: Amended at 14 Ill. Reg. 14826, effective August 31, 1990)

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1) Heading of the Part:

Drinking Water Systems Code

2) Code Citation:

77 Ill. Adm. Code 900

3) Section Numbers:

900.10
900.40
900.50
900.60
900.65
900.70
900.80
Table D

Adopted Action:

Amendment
Amendment
Amendment
Amendment
Amendment
Amendment
New

4) Statutory Authority:

Illinois Groundwater Protection Act

Ill. Rev. Stat. 1989, ch. 111 1/2, par. 7459 et seq.

5) Effective Date of Rules:

September 1, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ☐ No ☐

8) Date Filed in Agency's Principal Office:

September 1, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

April 14, 1990 - 14 Ill. Reg. 5457

10) Has the Joint Committee on Administrative Rules issued a Statement of

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Objections to this/these Rules? Yes No X

If "yes," please complete the following:

- A) Statement of Objection: , , Ill. Reg.
- B) Agency Response: , , Ill. Reg.
- C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

None

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

The Department of Public Health has agreed:

1. To insert "(such as a letter from the school)" after "satisfactorily" in the third sentence of Section 900.40(e).
2. To insert "1989" after "Stat." in the definition of potential route in Section 900.10.
3. In Section 900.50(c)(1), to change "noncommunic" to "non-community".
4. In Section 900.65(b)(1)(B), to insert "feet" after "200".
5. In Section 900.65(b)(1), to relabel subsections (i), (ii), (iii), and (iv) as (A), (B), (C), and (D).
6. In the last sentence of Section 900.80(a), to delete "Reg." after "(1989)".
7. In Section 900.10 the Department will delete the comma after "Stat." in the definition of "potential route".

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

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The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes No X

14) Are there any other Amendments Pending on this Part? Yes No X

If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
15) <u>Summary and Purpose of Rules:</u>		

15) Summary and Purpose of Rules:

The U.S.E.P.A. will require non-transient, non-community public water supplies to monitor for 38 additional contaminants. The department must adopt U.S.E.P.A. rules in order to perform the Federal Safe Drinking Water Program in Illinois and receive its share of the federal grant. The department must assure these supplies monitor for these contaminants and that the department's laboratory has the capability to perform these required analyses.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER r: WATER AND SEWAGE

PART 900

DRINKING WATER SYSTEMS CODE

Section	Definitions
900.10	Incorporated Materials
900.15	General Requirements
900.20	Special Requirements
900.30	Water System Design
900.40	Inorganic Chemicals
900.50	Turbidity
900.60	Organic Chemicals
900.65	Microbiological
900.70	Public Notification
900.80	Record Maintenance and Reporting
900.90	Variances and Exemptions
900.100	Sources of Pollution in Location to Wells and/or Finished Water Storage Facilities
900. TABLE A	Design Capacity for a Non/Community Public Water System
900. TABLE B	Pressure Factors
900. TABLE C	Coliform Sampling Frequency According to Population Served
900. TABLE D	

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Groundwater Protection Act, (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 7459) and Sections 2 and 7 of "AN ACT in relation to Public Health." (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 22 and 24).

SOURCE: Adopted at 6 Ill. Reg. 2215, effective February 3, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 3301, effective March 2, 1984; amended at 9 Ill. Reg. 9139, effective June 3, 1985; amended at 13 Ill. Reg. 12578, effective August 1, 1989, amended at 14 Ill. Reg. 14844 effective September 1, 1990.

NOTE: Capitalization denotes statutory language.

Section 900.10 Definitions

"Applicant" means any person making application for a permit to construct or alter a public water system.

"Cistern" means a source of water supply developed by intercepting rainfall with roof surfaces.

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"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

"Department" means the Illinois Department of Public Health.

"Maximum Contaminant Level" means the maximum permissible level of contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity, where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user are excluded from this definition.

"Non-Transient Non-Community System" means a non-community water system which regularly serves the same 25 or more persons at least 6 months a year.

"Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, county, municipality, the State of Illinois or any political subdivision or department thereof, or any other entity.

"POTENTIAL PRIMARY SOURCE" MEANS ANY UNIT AT A FACILITY OR SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION WHICH:

IS UTILIZED FOR THE TREATMENT, STORAGE, OR DISPOSAL OF ANY HAZARDOUS OR SPECIAL WASTE NOT GENERATED AT THE SITE; OR

IS UTILIZED FOR THE DISPOSAL OF MUNICIPAL WASTE NOT GENERATED AT THE SITE, OTHER THAN LANDSCAPE WASTE AND CONSTRUCTION AND DEMOLITION DEBRIS; OR

IS UTILIZED FOR THE LANDFILLING, LAND TREATING, SURFACE IMPOUNDING OR PILING OF ANY HAZARDOUS OR SPECIAL WASTE THAT IS GENERATED ON THE SITE OR AT OTHER SITES OWNED, CONTROLLED OR OPERATED BY THE SAME PERSON; OR

STORES OR ACCUMULATES AT ANY TIME MORE THAN 75,000 POUNDS ABOVE GROUND, OR MORE THAN 7,500 POUNDS BELOW GROUND, OF ANY HAZARDOUS SUBSTANCES.

(Section 3.59 of the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1003.59)

"POTENTIAL ROUTE" MEANS ABANDONED AND IMPROPERLY PLUGGED WELLS OF ALL KINDS, DRAINAGE WELLS, ALL INJECTION WELLS, INCLUDING CLOSED LOOP HEAT PUMP WELLS, AND ANY EXCAVATION FOR THE DISCOVERY, DEVELOPMENT OR PRODUCTION OF STONE, SAND OR GRAVEL. (Section 3.58 of the

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Environmental Protection Act, Ill. Rev. Stat. 1989 ch. 111 1/2, par. 1003.58).

"POTENTIAL SECONDARY SOURCE" MEANS ANY UNIT AT A FACILITY OR A SITE NOT CURRENTLY SUBJECT TO A REMOVAL OR REMEDIAL ACTION, OTHER THAN A POTENTIAL PRIMARY SOURCE, WHICH:

IS UTILIZED FOR THE LANDFILLING, LAND TREATING, OR SURFACE IMPOUNDING OF WASTE THAT IS GENERATED ON THE SITE OR AT OTHER SITES OWNED, CONTROLLED OR OPERATED BY THE SAME PERSON, OTHER THAN LIVESTOCK AND LANDSCAPE WASTE, AND CONSTRUCTION AND DEMOLITION DERRIS;

OR STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000 BUT NOT MORE THAN 75,000 POUNDS ABOVE GROUND, OR MORE THAN 2,500 BUT NOT MORE THAN 7,500 POUNDS BELOW GROUND, OF ANY HAZARDOUS SUBSTANCES; OR

STORES OR ACCUMULATES AT ANY TIME MORE THAN 25,000 GALLONS ABOVE GROUND, OR MORE THAN 500 GALLONS BELOW GROUND, OF PETROLEUM, INCLUDING CRUDE OIL OR ANY FRACTION THEREOF WHICH IS NOT OTHERWISE SPECIFICALLY LISTED OR DESIGNATED AS A HAZARDOUS SUBSTANCE; OR

STORES OR ACCUMULATES PESTICIDES, FERTILIZERS, OR ROAD OILS FOR PURPOSES OF COMMERCIAL APPLICATION OR FOR DISTRIBUTION TO RETAIL SALES OUTLETS; OR STORES OR ACCUMULATES AT ANY TIME MORE THAN 50,000 POUNDS OF ANY DE-ICING AGENT; OR

IS UTILIZED FOR HANDLING LIVESTOCK WASTE OR FOR TREATING DOMESTIC WASTEWATERS OTHER THAN PRIVATE SEWAGE DISPOSAL SYSTEMS

AS DEFINED IN THE "PRIVATE SEWAGE DISPOSAL LICENSING ACT" (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 116.301).

(Section 3.60 of the Environmental Protection Act, Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1003.60)

"Public Water System" means a system for the provision to the public of piped water for human consumption, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. The term Public Water System includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Community Water System means a public water system which serves

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at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days a year.

Non-Community Water System means a public water system that is not a community water system, that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days a year and shall include vending machines.

"Sanitary Survey" means an on-site inspection of the water source, facilities, equipment, operation, and maintenance of a public water system for the purpose of evaluating their adequacy for producing and distributing safe drinking water.

"State" means the State of Illinois, Illinois Department of Public Health or the Illinois Environmental Protection Agency, as appropriate.

"Supplier of Water" means any person who owns or operates a public water system.

"Vending Machine" means a device which provides treatment and/or dispenses a specific amount of water after money has been inserted into the device or after the water has been purchased.

(Source: Amended at 14 Ill. Reg. 14844, effective September 1, 1990)

Section 900.40 Water System Design

a) Siting Requirements. Construction, alteration or expansion of a public water system shall be accomplished so as to:

- 1) Avoid locating any or all of the facility at a site which is subject to undue risk from earthquakes, floods, or other disasters.
- 2) Except for the intake structures, avoid locating any or all of the facility within the floodplain of a 100-year flood.
- 3) Sources of pollution shall be located no closer to wells and finished water storage facilities than indicated in Table A. Beginning January 1, 1988, no new non-community water system well may be located within 200 feet of any potential primary or potential secondary source or any potential route, unless specifically allowed in Table A. Where the owner of a potable well is the same owner of a potential primary source, potential secondary source, or a potential route, the Department may allow a variance to the minimum separation distances required in this

part provided the owner complies with the variance provisions of Section 920.30(c) of the Illinois Water Well Construction Code.

- b) Existing Water System. The sanitary quality of an existing water system shall be determined by a survey of facilities and laboratory analyses of water samples. Defects in facilities or contamination shown present by laboratory analyses, shall be considered sufficient grounds for requiring repairs, chlorination or other treatment, or termination of the use of the system. All repairs, modifications, and alterations to existing wells and pump equipment shall be in accordance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925). Treatment will not be considered as a substitute for location and construction in accordance with the Illinois Water Well Construction Code.
- c) New Well Construction. All new wells shall be constructed in accordance with the Illinois Water Well Construction Code.
- d) New Pumping Equipment. All new well pumps shall be installed in conformance with the Illinois Water Well Pump Installation Code.
- e) Surface Water. Gravity filtration and disinfection shall be provided as the minimum treatment facilities for all supplies obtained from ponds, lakes, streams, rivers, and other surface collectors of water. Surface water supply treatment facilities shall be designed, constructed, operated, and maintained as described in the Surface Source Water Treatment Code, (77 Ill. Adm. Code 930) or in accordance with "Recommended Standards for Water Works - Great Lakes Upper Mississippi River Board of State Sanitary Engineers" ("Ten States' Standards"). Where average turbidity, based upon 30 daily samples, of the source exceeds 50 nephelometric turbidity units, complete treatment must be provided in accordance with "Ten States' Standards." All systems which use surface water, in whole or in part shall be operated by personnel which have taken a water treatment course approved by the Department, and have received a certificate or other evidence that the course has been completed satisfactorily, (such as a letter from the school) or shall be operated by personnel which have received certification by the Illinois Environmental Protection Agency as a Class I, Class II, or Class III public water supply operator. The Department will approve such course provided the course is given by an accredited college or university, the course is at least equivalent to 1.4 continuing education units, and the course addresses water filtration, disinfection, water supply and the measurement of disinfectant residual and turbidity. The Department shall make available a list of such approved courses upon request.
- f) Springs. Spring water supplies shall not be allowed except where it

is impossible to develop a well which meets the water quality and capacity standards of this Part. Where springs are used for potable water, they shall be protected from entry of surface water, shall be housed in a permanent structure, and shall be chlorinated in accordance with Section 900.40 (n). Spring water supplies located in an area with sink-holes or outcropping rock, with a history of periodic discolored discharge, or subject to fecal contamination, as demonstrated by laboratory analysis, shall not be approved unless provided with treatment consistent with that required for surface water.

- g) Cisterns. Cisterns shall not be used for public water supply except where groundwater resources will not produce the quantity of water needed for the population to be served. Cistern water shall receive treatment consistent with that required for surface water (See Section 900.40 (e)).
- h) Design Capacity. The design capacity for a non-community public water system shall be determined based on the estimated peak demand or the average daily consumption rate obtained from Table 8.
- i) Hydropneumatic Storage. The minimum requirements for designing a 1) Well and Pump Sizing. The capacity of the well(s) and pump(s) in a hydropneumatic system shall be at least eight times the average daily consumption rate or shall be sufficient to meet the estimated peak demand, whichever is greater. (calculate the average daily consumption rate from Table 8). If it can be shown that a specified amount of water is more appropriate or if the Department can be shown that the storage requirements are excessive, the Department will permit other sizing alternatives dependent upon such things as, but not limited to, water demand at the facility in question or water usage reports from a similar facility.
- 2) Pressure Tank Sizing. The minimum capacity of the pressure storage tank shall be calculated by the following formula:
$$Q = Q_m (3) / P_f$$

Where Q_m = Pump capacity (g.p.m.)
 P_f = Pressure Factors obtained from TABLE C.
- 3) Precharged Pressure Tanks. The capacity of a precharge pressure storage tank shall be calculated by the following formula:

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$Q_p = 1.50m^3/pf$

Where Q_p = Precharged pressure tank volume, gal.

- 4) Existing Hydropneumatic Storage. An existing undersized pressure storage system may be allowed provided a history of adequate water supply exists. Major alterations shall comply with all requirements of Section 900.40(i).
- j) Storage Reservoir. All nonpressure underground reservoirs shall be constructed of permanently watertight material and shall be provided with a watertight insect proof cover. Examples of permanently watertight materials are steel, plastic, concrete or fiberglass. On new water system installations, all nonpressure storage reservoirs in or on the ground shall be located in such a manner that surface water will flow away from the structure. When the bottom of any such reservoir is located below the ground surface, the reservoir shall be located with respect to sources of pollution as outlined in Table A. Where manholes are necessary, they shall have a raised curb and be provided with a cover of the overhanging type. Vents and openings shall be insect-proof and shall be installed so there is no hazard to the sanitary quality of the water supply. Piping shall enter the reservoir through the top of underground tanks or through the exposed vertical extension of the manhole opening. Points of entry must be sealed in a watertight manner. No suction lines may enter the reservoir underground unless protected by an external pipe enclosure maintained at system pressure.
- k) Water Distribution Lines. The system shall be designed to maintain a minimum positive pressure of 20 p.s.i. in all parts of the system at all times. Water pipe shall conform to applicable specifications and standards of the Illinois State Plumbing Code (77 Ill. Adm. Code 890) for the type of pipe to be used. The following shall govern the separation of water lines from possible sources of pollution:
- 1) Whenever possible, a water line shall be laid at least 10 feet horizontally from any existing or proposed sewer line.
 - 2) Whenever water lines must cross sewers, the water line shall be laid at such an elevation that the bottom of the water line is 18 inches above the top of the sewer. This vertical separation shall be maintained for that portion of the water line located within 10 feet horizontally of any sewer or drain it crosses, said 10 feet to be measured as the normal distance from the water line to the drain or sewer. The sewer shall be constructed of cast iron pipe, type K copper, or Drain, Waste and Vent (DWV) plastic pipe (Schedule 40) with water-tight joints for a distance of 10 feet from each side of the water

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- line. All crossings shall be made at right angles.
- 3) Where conditions prevent the minimum horizontal and/or vertical separation specified above, special consultation shall be obtained from the Department to determine other routes of water piping.
 - 4) No water line shall pass through, or come into contact with, any part of a sewer manhole.
 - 5) There shall be no physical connection between a community water system and a non-community or private water system, unless the non-community or private water system conforms to community water system requirements, as specified by the Illinois Pollution Control Board's Public Water Supplies (35 Ill. Adm. Code 607.104).
 - 6) Lines for potable water shall be laid at least 25 feet horizontally from any underground sewage seepage field.
- 1) Plumbing-Fixture Backflow Protection. The water supply lines shall have no physical connection with nonpotable water supplies. All plumbing shall be in accord with the Illinois State Plumbing Code available from this Department. All plumbing fixtures and other equipment connected to the water system shall be so constructed and installed so as to safeguard the water system from the possibility of contamination through cross-connections or backsiphonage. Laundry units and equipment shall be so constructed and installed so as to prevent the contamination of the contents by the backflow of sewage. When required by the Illinois State Plumbing Code (77 Ill. Adm. Code 890), the fixture or appliance shall be connected indirectly with the drainage system by means of an open, funnel-type fitting with a suitable air gap.
- m) Drinking Fountains. All outlets established for the provision of drinking water shall consist of drinking fountains in accordance with requirements contained in the Illinois State Plumbing Code, or a supply of single service drinking cups shall be provided. Common drinking cups are prohibited.
- n) Disinfection. Disinfection may be accomplished with calcium or sodium hypochlorites or gas chlorine. Other disinfecting agents will be considered, providing reliable application equipment is available, and testing procedures for residual are recognized in "Standard Methods for the Examination of Water and Wastewater". Proposals for use of disinfecting agents must be approved by the Department prior to preparation of final plans and specifications. Approval will be given only when the information shows that the chemical to be used as a disinfecting agent will not jeopardize the health of the user and

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that the chemical will eliminate bacteria from the water supply. Disinfection is required at all surface, spring, and cistern water supplies; and at any groundwater supplies which are of questionable sanitary quality or where any treatment which exposes the water to the atmosphere is provided. Disinfection shall not be a substitute for proper well location and construction.

- 1) Chlorination Equipment. The chlorinator shall be designed to provide a free chlorine residual of at least two milligrams per liter in the water after contact time of at least 30 minutes at maximum flow rates. The equipment shall be of such design that it will operate accurately over the desired feeding range. Where flow is uniform, actuation of a constant volume feeder by the pump circuit is required. Where flow is variable, automatic flow proportioning is required.

- 2) Contact Time and Point of Application. Chlorine shall be applied at a point which will provide the maximum contact time. At facilities treating surface water, chlorine shall be applied to the water after filtration. At facilities chlorinating groundwater, provisions should be made for applying chlorine to the detention basin inlet. Where chlorination is required, minimum free chlorine residual at distant points in a water distribution system shall be at least 0.1 milligram per liter except that systems utilizing surface water as a source, shall have a minimum free chlorine residual of 0.2 mg/l maintained at all distant points in the distribution system and a minimum free chlorine residual of 0.4 mg/l shall be maintained in the water storage tank. The point of application and withdrawal shall be no more than 3 inches below the water surface of the storage tank. Water shall be withdrawn from inside a solid pipe which extends at least 3 inches above the highest point of the water level to a point not more than 3 inches above the bottom of the water storage tank. Those systems utilizing surface water as a source which are not designed in accordance with the Surface Water Treatment Code (77 Ill. Adm. Cod 930), shall meet disinfection requirements of 40 CFR 141 and 142, 54 Fed. Reg. 27486 through 27541, June 29, 1989.
- 3) Testing Equipment. Chlorine residual test equipment capable of measuring free chlorine residual shall be provided and should be capable of measuring residuals to the nearest 0.1 mg/l in the range below 0.5 mg/l, to the nearest 0.3 mg/l between 0.5 and 1.0 mg/l, and to the nearest 0.5 mg/l between 1.0 mg/l and 2.0 mg/l. Systems utilizing surface water as a source shall test the chlorine residual in the distribution system daily and keep a record of the results.

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- 4) Hypochlorinator. Positive displacement pumps shall be provided to inject hypochlorite solution. The pump shall be of variable flow type and shall be of sufficient capacity to feed the required amount of disinfectant. If calcium hypochlorite is used, the concentration of calcium hypochlorite in the solution shall not exceed 5 percent. The solution container shall have a minimum capacity equal to the volume of solution required per day. The hypochlorinator shall be interlocked with the pump so that both will start and stop together.
- 5) Gas Chlorinators.
 - A) The chlorine supply and gas feeding equipment shall be in a separate, air-tight room. The room shall be provided with an exhaust system which takes its suction not more than 8 inches from the floor and discharges out-of-doors in a direction to minimize exposure to toxic fumes. The fan shall be capable of producing one air change per minute. Means for introducing a fresh air supply to the enclosure shall be provided through appropriate openings, such as filters, grill openings, etc., at a high point opposite the exhaust fan intake. The room shall have a window at least 18 inches square and artificial illumination so that the chlorinator equipment is visible from the operating area outside the room. Electrical switches for lighting and ventilation shall be outside the room and adjacent to the door. Scales for weighing chlorine cylinders in service shall be provided and should have the platform at floor level.
 - B) All chlorine cylinders, both full and empty, shall be anchored to prevent their falling over.
 - C) The chlorine feeding device shall be designed so that during interruptions of the flow of the water supply, gas feed is automatically terminated. Chlorinator vent lines shall terminate out-of-doors.
 - D) The gas feed equipment shall be solution feed type capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere.
 - E) The water supply for the gas feeding equipment shall produce the flow rate and pressure required according to the manufacturer's specifications for proper operation of the equipment. The release of chlorine shall be automatically terminated when the pump is shut off. The water supply line to the chlorine injector shall be

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equipped with an electric shut-off valve interlocked with the pump and shall be equipped with a suitable backflow preventer.

- F) A self-contained breathing apparatus designed for use in a chlorine atmosphere shall be provided. A record shall be kept of the breathing apparatus usage to insure that it will be serviceable when needed and it shall be kept in a closed cabinet, accessible without a key, located outside of the room in which the chlorinator is located, and preferably outside the entrance to the equipment room. Gas chlorinators shall be repaired and operated only in accordance with manufacturer's directions. The owner/operator shall determine the appropriate emergency personnel to contact in the event of a chlorine gas emergency, and have the telephone number of emergency personnel conspicuously posted within view of operating personnel.

- 6) General. The chlorinator water supply piping shall be designed to prevent contamination of the treated water supply by sources of questionable water which may be contaminated. Housing must be provided for the chlorination equipment and for storing the chlorine.

- o) Hauled Water. When it is necessary to use hauled water as a source of public supply, the water shall be obtained only from a regulated public water system.

- 1) Transport Equipment. Equipment used for hauling water, including tank trucks or trailers, hoses, etc., shall be used only for handling potable water. In an emergency, equipment used for handling other potable materials, such as milk, syrup, etc., may be used after cleaning and disinfection with not less than 100 ppm of free chlorine.

- 2) Storage Facilities. Equipment used for the storage of hauled water shall be used only for that purpose and shall be constructed in accordance with Section 900.40(k).

- p) Vending Machines. Vending machines which serve water to the public shall meet the following conditions:

- 1) The source of water to a vending machine shall be obtained from a community water system or a supply which meets the construction and location requirements of this Part.
- 2) A dual check backflow device approved in accordance with the

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Illinois Plumbing Code (77 Ill. Adm. Code 890) shall be installed in the water supply pipe between the vending machine and the source of water.

- 3) An air gap shall be provided between the water dispensing spout and the water container which is at least equal to 4 times the diameter of the water dispensing supply pipe.
- 4) The machine shall be kept in an area which is free of dirt and debris and the area shall be maintained to prevent insect and rodent harborage.
- 5) Any overflow or discharge of water from the vending machine shall be indirectly connected to a sewer or to waste in accordance with the Illinois Plumbing Code.

(Source: Amended at 14 Ill. Reg. 14844, effective September 1, 1990.)

Section 900.50 Inorganic Chemicals

a) Maximum Contaminant Levels.

- 1) Nitrate. The maximum contaminant levels for Nitrate in a non-community public water system shall not exceed 10 mg/l (as nitrogen (N)). Nitrate levels not to exceed 20 mg/l as N may be allowed in a non-community water system if the supplier of water demonstrates that:

A1) Such water will not be available to children under 6 months of age.

B2) There will be continuous posting of the fact that nitrate levels exceed 10 mg/l as N and the potential health effects of exposure.

- 2) Nitrite. The maximum contaminant level for nitrite in a non-community public water supply shall not exceed 1 mg/l as N.

- 3) The maximum contaminant levels for the following inorganic chemicals shall not be exceeded in a non-transient, non-community public water system:

Chemical	Maximum Contaminant
A) Asbestos	7 million fibers/liter
B) Barium	5 mg/l
C) Cadmium	0.005 mg/l
D) Chromium	0.1 mg/l

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E) Mercury
F) Selenium

0.002 mg/l
0.05 mg/l

b) Monitoring.

1) Nitrate and Nitrite

A) Nitrate and Nitrite (Except non-transient, non-community). Analysis for nitrate and nitrite shall be conducted annually on all non-community public water systems which use surface water as a source, and once every three years on all other non-community public water systems. The Department shall send out sample bottles to all water suppliers and require that the suppliers collect the sample and return it to the designated Department laboratory.

B) Nitrate and Nitrite (Non-transient, non-community).

Analysis for nitrate and nitrite shall be conducted annually on all non-transient, non-community public water systems, except that such analysis must be conducted quarterly when the concentration of either chemical is equal to or greater than 50 percent of the maximum contaminant level in any one sample for either chemical. In such cases, the sampling frequency must remain quarterly until four consecutive quarterly samples are less than 50 percent of the maximum contaminant level for either chemical.

2) Non-transient, non-community public water systems shall monitor for barium, cadmium, chromium, mercury and selenium once every three years where the system uses groundwater as a source and annually where the system uses surface water, in whole or in part as a source. The monitoring requirements for a system using groundwater or surface water as a source shall be reduced to once every ten years provided:

A) Systems using surface water have been monitored annually for at least three years and systems using groundwater as a source have conducted at least three rounds of monitoring and.

B) All results are less than 50 percent of the maximum contaminant levels for these inorganic chemicals.

3) Asbestos

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Non-transient, non-community public water systems are not required to monitor for asbestos unless the Department determines the system is vulnerable to asbestos contamination in its source water or due to corrosion of asbestos pipe, or both. The Department shall consider the system vulnerable to asbestos contamination where any of the following are met:

- A) A source of asbestos material exists in the water source.
- B) Asbestos pipe is used in the water distribution system.
- C) Vulnerable Systems.

If the system is determined to be vulnerable to asbestos contamination, the system shall monitor for asbestos. If the initial sample result is greater than or equal to 50 percent of the maximum contaminant level for asbestos, the system must monitor once every three years if the water source is groundwater and annually if the water source is surface water in whole or in part. If the initial sample result is less than 50 percent of the maximum contaminant level for asbestos, the system is not required to monitor unless the Department has determined that asbestos has been introduced into the source of the supply. This shall be determined by a survey of the surrounding site of the water source.

c) Maximum Contaminant Level Exceeded.

1) Nitrate and nitrite. If the result of an analysis for nitrate or nitrite in a non-community public water system exceeds the maximum contaminant level, the taking of a second sample shall be initiated within 24 hours, and the average of the two analyses determined.

2) Maximum Contaminant Level Violations. If the averaged results for nitrate or nitrite in a non-community public water system exceed the maximum contaminant level, the supplier of water shall give notice to the public in accordance with Section 900.80 of this Part, and begin monitoring the contaminant in question at a frequency established by the Department and shall continue until the maximum contaminant level has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, exemption or enforcement action becomes effective. Any frequency established by the Department will depend upon the season, location in relation to agricultural areas and previous fluctuations in nitrate and nitrite concentrations.

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Section 900.60 Turbidity

- a) Maximum Contaminant Levels. The maximum contaminant levels for turbidity in non-community water systems which use surface water in whole or in part, measured at a representative entry point to the distribution system, shall not exceed ~~one~~ one turbidity unit (TU) in any sample, except that turbidity values greater than one and equal to or less than 5 TU may be allowed in 95 percent of the samples taken during a month if the supplier of water can demonstrate to the Department that the higher turbidity does not do any of the following:

- 1) Interfere with disinfection.
- 2) Prevent maintenance of an effective disinfectant residual throughout the distribution system.
- 3) Interfere with microbiological determinations.
- b) Monitoring. Samples shall be taken by the supplier of water for non-community water systems which use surface water, in whole or in part, at a representative entry point(s) to the water distribution system at least once every four hours per day. Sampling frequency for turbidity may be reduced in a non-community public water system to once per day if the following conditions are met:

- 1) The supply has a filtration system designed, constructed, operated and maintained as described in the Surface Source Water Treatment Code (77 Ill. Adm. Code 930).
- 2) Minimum free chlorine residual at distant points in the distribution system is at least 0.2 milligram per liter.
- 3) Written approval from the Department has been issued. Approval will be based upon compliance with the above items.
- c) Maximum Contaminant Level Exceeded. If the results of a turbidity analysis indicate that the maximum allowable limit has been exceeded, a second sample shall be analyzed as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum contaminant level has been exceeded, the supplier of the water shall report to the State within 48 hours. The repeat sample shall be used to calculate the monthly average. If the monthly average exceeds the maximum contaminant level, or if the average of two samples taken on consecutive days exceeds 5 Turbidity Unit (TU), the supplier of water shall report to the State and notify the public as directed in Section 900.80.

(Source: Amended at 14 Ill. Reg. 14846, effective September 1, 1990.)

Section 900.65 Organic Chemicals

- a) The maximum contaminant levels for the following organic chemicals shall not be exceeded in a non-transient non-community water system:

1) Chemical (Volatile Organic)	Maximum Contaminant Level
A4) Benzene	0.005 mg/l
B2) Carbon tetrachloride	0.005 mg/l
C3) 1,2-Dichloroethane	0.005 mg/l
D4) Trichloroethylene	0.005 mg/l
E5) Para-dichlorobenzene	0.075 mg/l
F6) 1,1-Dichloroethylene	0.007 mg/l
G7) 1,1,1-Trichloroethane	0.20 mg/l
H8) Vinyl chloride	0.002 mg/l
I) cis 1,2 - Dichloroethylene	0.07 mg/l
JT) 2 - Dichloropropane	0.005 mg/l
K) Ethylbenzene	0.7 mg/l
L) Monochlorobenzene	0.1 mg/l
M) o-Dichlorobenzene	0.6 mg/l
N) Styrene	0.005 mg/l
OT) Tetrachloroethylene	0.005 mg/l
PT) Toluene	2 mg/l
QT) Trans-1,2-Dichloroethylene	0.1 mg/l
RT) Xylene	10 mg/l
Maximum Contaminant Level	
2) Chemical (Pesticides, Herbicides) and Polychlorobiphenols (PCBs)	
A) Alachlor	0.002 mg/l
B) Aldicarb	0.01 mg/l
C) Aldicarb sulfone	0.04 mg/l
DT) Aldicarb sulfoxide	0.01 mg/l
E) Atrazine	0.003 mg/l
F) Carbofuran	0.04 mg/l
G) Chlordane	0.002 mg/l
H) Dibromochloropropane	0.0002 mg/l
OT) 2,4-D	0.07 mg/l
JT) Ethylene dibromide	0.00005 mg/l
K) Heptachlor	0.0004 mg/l
LT) Heptachlor epoxide	0.0002 mg/l
M) Lindane	0.0002 mg/l
N) Methoxychlor	0.4 mg/l
OT) PCBs	0.0005 mg/l
PT) Pentachlorophenol	0.2 mg/l
QT) Toxaphene	0.005 mg/l
RT) 2,4,5-TP(Silvex)	0.05 mg/l

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b) Monitoring.

- 1) All non-transient, non-community water systems shall sample initially for the organic chemicals in Section 900.65(a)(1). Systems which serve a population of less than 3,300 people shall begin the sampling by July 1, 1995, systems which serve between 3,300 and 10,000 shall begin the sampling by July 1, 1993, and systems which serve more than 10,000 people shall begin the sampling by July 1, 1992 for the organic chemicals in Section 900.65 (a)(1) through R. All systems shall begin sampling for the chemicals listed in Section 900.65 (a)(1) (A) through (H) by January 1, 1991. After sampling has begun, sampling shall be conducted on a quarterly basis for one year unless the first quarterly sample does not detect any of these chemicals and the Department has determined that the system is not vulnerable to contamination by these chemicals. Thereafter, the system shall perform repeat monitoring for these chemicals once every five years. ~~In accordance with the requirements of 40 CFR 141.4~~ 142.52 Fed. Reg. 25690 through 25717, July 8, 1987, and 53 Fed. Reg. 25108 through 25117, July 1, 1988. Systems which detect any of these chemicals in any repeat monitoring are required to sample quarterly for three years for all of the chemicals detected. Systems which detect any of these chemicals may reduce sampling to annually provided none of the chemicals detected is greater than the maximum contaminant level for any chemical during the previous three years of quarterly sampling. The system shall be considered vulnerable to contamination by any of the chemicals listed in Section 900.65(a)(1) when any of the following are met:

- A) Previous sampling data from the system indicates the presence of any of these chemicals.
- B) The system is within 200 feet of a well where these chemicals have been detected.
- C) The aquifer serving the water well indicates by previous sample results the presence of any of these chemicals, and that the chemical contaminant is moving in the direction of the water well and is expected to enter the well.
- D) The water supply is within 200 feet of an area or business where any of these chemicals are stored, distributed or manufactured or is within 200 feet from an area used as a landfill intended to receive waste products.
- 2) All non-transient, non-community public water systems shall sample for the chemicals listed in accordance with 40 CFR 141

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and 142, 52 Fed. Reg. 25690 through 25717, July 8, 1987, and submit the results of these analyses to the Department within 30 days of analysis or shall submit a letter to the Department requesting the Department to perform sampling. ~~The Department shall then perform sampling at a frequency not to exceed once every five years.~~

3) Pesticides, Herbicides and PCBs

- A) Non-transient, non-community public water systems are required to sample for the chemicals listed in Section 900.65(a)(2) provided the Department determines that the system is vulnerable to contamination by any of these chemicals. If the Department determines the system is vulnerable to contamination by a specific chemical in Section 900.65(a)(2), the system is required to sample for that specific chemical. The system shall be considered vulnerable to contamination by a specific chemical when any of the following are met:
- i) Previous sampling data from the system indicates the presence of any of these chemicals.
- ii) The water supply is within 200 feet of an area in which any of the chemicals are stored, distributed or manufactured or is within 200 feet from a landfill or area intended to receive waste.
- iii) The aquifer serving the water well indicates by previous sample results, the presence of any of these chemicals and that the chemical contaminant is moving in the direction of the water well and is expected to contaminate the well.
- iv) Nitrate levels in the water supply exceed 10 mg/l in two consecutive samples.
- v) Equipment used in the production, storage or distribution of water in the system contains PCBs.
- vi) The water supply uses surface water as its source and the surface water is received from runoff from agricultural land where pesticides are used.
- B) Where the system is determined to be vulnerable to contamination, the system shall monitor for the specific chemical quarterly for one year.

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i) Systems using groundwater as a source shall sample in accordance with the following:

Chemicals not detected. When none of the chemicals is detected during the first year, repeat monitoring shall be required once every five years.

Chemicals detected. When any chemical is detected, repeat monitoring shall be conducted annually for any chemical detected for three years. If the chemical has not been detected during this three year period, the system shall repeat monitoring for the specific chemical every three years.

ii) Surface Water Supplies. Systems which are required to sample and use surface water as a source, shall sample in accordance with the following:

Chemicals not detected. When none of the chemicals is detected during the first year, repeat monitoring shall be conducted quarterly for one year every five years.

Chemicals detected. When any chemical is detected in any sample taken during the first year of monitoring or any subsequent monitoring, the system shall monitor annually for any chemical to which it is determined to be vulnerable.

- c) Maximum Contaminant Level Exceeded. When any contaminant levels in Section 900.65(a) are exceeded, the supplier of water shall notify the public served as prescribed under Section 900.80, and in accordance with the requirements of 40 CFR 141.142 and 143.52-Fed. Reg.-41534-through-41569, October-28, 1987.

(Source: Amended at 14 Ill. Reg. 14844, effective September 1, 1990)

Section 900.70 Microbiological

- a) Maximum Contaminant Level. The maximum contaminant level for coliform bacteria is applicable to non-community water systems.

- 1) Membrane Filter. When utilizing the membrane filter technique, there shall be no coliform per 100 milliliters in any sample.
- 2) Fermentation Tube. When utilizing the fermentation tube technique, and either 10 milliliter or 100 milliliters standard portions, there shall be no coliform bacteria present in any

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portion in any sample.

- b) Monitoring. Water samples shall be taken at points which are representative of the conditions within the distribution system.

- 1) The supplier of water for a non-community water system utilizing a source other than groundwater shall take water samples for coliform analyses based upon population served in accordance with the sample frequency in TABLE D when the system serves more than 1,000 persons in any month, however, in all cases a surface water supply system shall take samples at regular time intervals and at least twice per month. If the Department, on the basis of the results of a sanitary survey, determines that some other increased frequency is required to better monitor the contaminant level of the water source, that shall be the frequency required. A more frequent sampling shall be required if a potential source of contamination is found to exist.

- 2) The supplier of water for a non-community water system, utilizing a groundwater source, unless otherwise regulated pursuant to specific statutes shall take water samples for coliform analyses in each calendar quarter during which the system provides water to the public. However, when the system serves more than 1,000 persons in any month, the supplier of water shall take water samples for coliform analyses at the frequency required in TABLE D based upon population served. In addition to the monitoring requirements of this Section, an increased monitoring frequency may be required in accordance with the requirements of Section 900.30. The Department shall reduce this sampling frequency provided the system complies with all the following:
 - A) The supply serves less than 1,000 persons in any month.
 - B) A sanitary survey has been completed indicating compliance with this Part.
 - C) At least four consecutive quarterly negative coliform samples have been taken over the past year.
 - D) In no case shall the sampling frequency be less than annual.
 - E) No other source of potential contamination is found to exist.

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c) Maximum Contaminant Level Exceeded

- 1) Check Initial Sample. When the coliform bacteria in a single sample from a non-community water system exceeds the maximum contaminant level, four additional check samples shall be collected, from the same sampling point within 24 hours from the time the system has been notified of the sample results, and if the system collects fewer than five routine samples each month it shall collect for analyses a set of five additional samples the next month the system provides water to the public. If a subsequent sample has already been taken from the same sampling point, it shall be considered a check sample.

- 2) Maximum Contaminant Level Violations. When the presence of coliform bacteria in water taken from a particular sampling point has been confirmed by examination of a check sample, the supplier of water shall:
 - A) Initiate an investigation, and collect additional samples from the same point daily, or at intervals established by the Department, until the results obtained from each of two consecutive check samples show less than one coliform bacterium per 100 milliliters, or no positive portions. Sampling intervals, established by the Department, will depend upon the severity of the contamination and any previous history of contamination of the water supply.

- B) Notify the public served, as prescribed under Section 900.80, unless the Department determines that no health hazard has actually existed based upon investigation or knowledge of the circumstances.

- 3) Sample Location. The location at which the check samples were taken shall not be eliminated from future sampling.

d) Special Purpose or Check Samples

- 1) The results from all coliform bacterial analyses, except those obtained from check samples and special purpose samples, or samples with unreliable examination results, shall be used to determine compliance with the maximum contaminant level for coliform bacteria.

- 2) Check samples shall not be included in calculating the total number of samples taken each month to determine compliance.

- 3) Special purpose samples, such as those taken to determine whether disinfection practices following pipe placement,

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replacement or repair have been sufficient, shall not be used to determine compliance.

- 4) Samples with unreliable examination results caused by factors beyond control of the water supplier, i.e., excessive transit time between collection and examination of the sample, samples being broken in transit, or interference in test results by other contaminants, shall not be used. In this case, another sample collected immediately upon learning of these results may be used to determine compliance, except that a single sample may not be attributed to more than one monitoring period.

(Source: Amended at 14 Ill. Reg. 14844, effective September 1, 1990.)

Section 900.80 Public Notification

- a) Non-Community Water Systems. If a non-community public water system fails to comply with an applicable maximum contaminant level in this Part, or is granted a variance or exemption from a maximum contaminant level, or fails to comply with a schedule prescribed pursuant to a variance or exemption, the supplier of water shall give notice by conspicuous posting of such failure, or granting of such variance or exemption to the persons served by the system, as long as the failure, or the variance or exemption continues. The posting shall be visible to all users of the water. The notification shall conform to the requirements of 40 CFR 141, 142 and 143, (1989). Reg. ~~41534-41550~~ 41550-41550, ~~9-28-88~~ 28-1987.

- b) Notice Form. Notices shall be written in a manner reasonably designed to fully inform users of the system as follows:

- 1) The notice shall be conspicuous.
- 2) It shall not use unduly technical language.
- 3) It shall not use unduly small print, or other methods which would frustrate the purpose of the notice.
- 4) It shall disclose all material facts, including the nature of the problem and, when appropriate, a clear statement that a drinking water regulation has been violated and any preventive measures that should be taken by the public.
- 5) When required by the Department because of the existence of possible language barriers (e.g. Migrant Labor Camps or concentrations of non-English speaking people), bilingual notice shall be given.

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- 6) Notices shall include a balanced explanation of the significance or seriousness to the public health.

(Source: Amended at 14 Ill. Reg. 14844, effective September 1, 1990)

Section 900. TABLE D

Coliform Sampling Frequency According to Population Served

Population Served	Samples per month
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25

Systems which serve a population of more than 25,000 per month shall submit monthly samples in accordance with 40 CFR 141, 142 and 143, 54 Fed Reg. 27454. June 29, 1989.

(Source: Added at 14 Ill. Reg. 14844, effective September 1, 1990)

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1) Heading of the Part:

Illinois Water Well Construction Code

2) Code Citation:

77 Ill. Adm. Code 920

3) Section Numbers:

920.160

Adopted Action:

Amendment

4) Statutory Authority:

Illinois Water Well Construction Code

Ill. Rev. Stat. 1989, ch. 111 1/2, par. 116.111 et seq.

5) Effective Date of Rules:

September 1, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ___ No X

If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___

8) Date Filed in Agency's Principal Office:

September 1, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

April 13, 1990 - 14 Ill. Reg. 5484

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ___ No X

If "yes," please complete the following:

A) Statement of Objection: ___, 111. Reg. ___B) Agency Response: ___, 111. Reg. ___

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C) Date Agency Response Submitted for Approval to the Joint Committee:11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

None

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

None

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?Yes ___ No X14) Are there any other Amendments Pending on this Part? Yes ___ No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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15) Summary and Purpose of Rules:

Amend Section 920.160(a) to allow a unit of local government to charge a fee for a water well which does not exceed \$100.00. Paragraph 116.115b of the Water Well Construction Code Act allows units of local government to issue permits for the construction of water wells. That paragraph requires that such ordinance must adopt the Department's rules. The Department has by rule established a permit fee of \$75.00. However, the Department wants to allow a unit of local government the option of charging up to the statutory limit of \$100.00 for each permit issued. Without this amendment, the unit of local government would be limited to a

DEPARTMENT OF PUBLIC HEALTH
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maximum of \$75.00 for each permit since that is the fee which the Department has adopted by rule.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: WATER AND SEWAGE

PART 920

ILLINOIS WATER WELL CONSTRUCTION CODE

Section	Definitions
920.10	Incorporated Materials
920.15	Scope
920.20	General Requirements
920.30	Design Factors
920.40	Location
920.50	Drilled Wells in Unconsolidated Formations
920.60	Drilled Well Construction in Consolidated Formations
920.70	Special Type Wells
920.80	Construction Materials and Other Requirements
920.90	Finishing and Testing
920.100	Modification of Wells
920.110	Abandoned Wells
920.120	Permit Requirements
920.130	Administrative Hearings
920.140	Designation of Agents of the Department
920.150	Issuance of Water Well Permits by Units of Local Government
920.160	Casing and Liner Pipe Weights and Dimensions
920. TABLE A	Plastic Casing and Liner Pipe Specifications
920. TABLE B	Unconsolidated Formations with Non-Stable Overburden
ILLUSTRATION A	Unconsolidated Formations with Stable Overburden
ILLUSTRATION B	Gravel Wall Construction
ILLUSTRATION C	Aquifer Below Gravelled Formations
ILLUSTRATION D	Gravelled Formations
ILLUSTRATION E	Bored or Dug Well - Well Not Finished With Buried Slab
ILLUSTRATION F	Bored or Dug Well - Buried Slab Construction
ILLUSTRATION G	

AUTHORITY: Implementing and authorized by the Illinois Water Well Construction Code (Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 116.111 et. seq., as amended by Public Act 86-843, effective January 1, 1990).

SOURCE: Adopted September 12, 1973; amended at 2 Ill. Reg. 42, p. 35, effective October 16, 1978; rules repealed, new rules adopted and codified at 7 Ill. Reg. 9633, effective August 1, 1983; amended at 12 Ill. Reg. 2990, effective January 13, 1988; amended at 13 Ill. Reg. 11796, effective July 1, 1989; amended 14 Ill. Reg. 228, effective January 1, 1990; amended at 14 Ill. Reg. 14871, effective September 1, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

DEPARTMENT OF PUBLIC HEALTH

DRAFT OF ADOPTED AMENDMENTS

Section 920.160 Issuance of Water Well Permits by Units of Local Government

a) Approval. A unit of local government may issue water well construction permits provided such units of local government adopt an ordinance which requires the unit of local government to issue water well permits, and which establishes a system for the inspection of water well construction and regulation and provided such ordinance is approved by the Department. The unit of local government may charge a permit fee not to exceed \$100.00.

b) In order to receive approval of an ordinance, the unit of local government must submit a request for approval from the Department and must submit a copy of such ordinance including all amendments. The ordinance shall be approved by the Department provided the ordinance:

1) has been adopted by the unit of local government and shall be in effect

2) adopts the Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)

3) requires the inspection by the unit of local government of each water well for which a permit is issued and the sealing of each abandoned water well, boring, or monitoring well within its jurisdiction. The unit of local government shall enter into a written agreement with the Department to conduct inspections.

c) Required Information. An approved unit of local government which has an ordinance approved by the Department in accordance with subsection (a) of this Section shall submit to the Department the information listed in Section 920.130(b) of this Part for each water well permit issued. This information shall be submitted within 30 days of issuance of the date of issuance of the permit and shall be submitted on forms provided by the Department.

(Source: Amended at 14 Ill. Reg. 14871, effective September 1, 1990)

DEPARTMENT OF PUBLIC HEALTH

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1) Heading of the Part:

Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation:

77 Ill. Adm. Code 350

3) Section Numbers:

350.110	Amendments
350.120	Amendments
350.1910	Amendments
350.2010	Amendments
350.2030	Amendments
350.2220	Amendments
350.2720	Amendments
350.2730	Amendments
350.3020	Amendments
350.3030	Amendments
350.3230	Amendments

Adopted Action:

4) Statutory Authority:

Nursing Home Care Act

Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.

5) Effective Date of Rules:

October 1, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ☐ No ☐

8) Date Filed in Agency's Principal Office:

October 1, 1990

DEPARTMENT OF PUBLIC HEALTH
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- 9) Date Notice(s) of Proposal was Published in Illinois Register:

February 9, 1990 - 14 Ill. Reg. 2210

- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ☐ No ☒

If "yes," please complete the following:

- A) Statement of Objection: _____, Ill. Reg. _____
B) Agency Response: _____, Ill. Reg. _____
C) Date Agency Response Submitted for Approval to the Joint Committee: _____

- 11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

In Sections 350.273(c)(4) and 350.3030(c)(3), the reference to a "B" violation was deleted.

In Section 350.3230(b), the language "(as defined in Section 350.330)" will be added after "Restrains."

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

No changes were requested.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

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- 14) Are there any other Amendments Pending on this Part? Yes ☐ No ☐

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
350.330	Amendments	14 Ill. Reg. 9833
350.680	Amendments	14 Ill. Reg. 9833
350.1220	Amendments	14 Ill. Reg. 9833
350.3220	Amendments	14 Ill. Reg. 9833
350.3240	Amendments	14 Ill. Reg. 9833
350.3260	Amendments	14 Ill. Reg. 9833
350.3710	Amendments	14 Ill. Reg. 9833
350.3720	Amendments	14 Ill. Reg. 9833
350.3730	Amendments	14 Ill. Reg. 9833
350.3750	Amendments	14 Ill. Reg. 9833
350.3770	Amendments	14 Ill. Reg. 9833
350.3780	Amendments	14 Ill. Reg. 9833
350.3810	Amendments	14 Ill. Reg. 9833
350.3880	Amendments	14 Ill. Reg. 9833
350.3900	Amendments	14 Ill. Reg. 9833
350.3940	Amendments	14 Ill. Reg. 9833
350.4010	Amendments	14 Ill. Reg. 9833
350. Table D	Amendments	14 Ill. Reg. 9833
350. Table E	Amendments	14 Ill. Reg. 9833

- 15) Summary and Purpose of Rules:

These amendments are being adopted by the Department of Public Health to address several issues which have been encountered in the enforcement of the Department's licensing requirements for intermediate care facilities for persons with developmental disabilities. Related amendments to the rules governing the licensure of skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300), sheltered care facilities (77 Ill. Adm. Code 330), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being adopted.

Correction of level of care references: Erroneous references to skilled nursing care in Sections 350.110(a) and 350.120(a) and (c) are being corrected in these proposed amendments. These references are being changed to refer to intermediate care for persons with developmental disabilities.

Bedside screens: The Department is replacing the term "bedside screens" with "privacy screens" in Section 350.2220(b) to clarify the requirements for screens. Under this change, facilities must have privacy screens available for emergency use when resident privacy is needed.

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Dishes and utensils: Several provisions of Section 350.1910 are being deleted as unnecessary, since these requirements are contained in the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750). The food service sanitation rules establish requirements for kitchen equipment, but do not contain requirements for dishes.

Thermal hazards: Requirements for the protection of residents from thermal hazards are being added to Section 350.2720(d) for new facilities and to Section 350.3020(d) for existing facilities. These provisions will require facilities to install appropriate barriers to protect residents from surfaces which may exceed a temperature of 140 degrees Fahrenheit. Severe injuries to residents can result from such hazards.

Smoking and eating in laundry areas: An addition to Section 350.2030(a)(2) will clearly prohibit the use of laundry areas for smoking or dining. This addition is needed to define the requirement for the sanitary maintenance and operation of the laundry area.

Storage in laundry areas: Section 350.2030(a)(7) is being amended to allow the storage of supplies and equipment in laundry areas and in areas used for laundry storage and handling. Under the proposed changes, such storage will be allowed as long as contamination of the supplies and equipment and contamination of the clean linens is avoided.

Return of residents' clothing: The Department is adding a specific requirement to Section 350.2030(c) to assure that residents' clothing is returned to them after laundering.

Hot water temperature: The addition of a clear statement of the meaning of the term "hot water" is being adopted in Sections 350.2730(c)(4) and 350.3030(c)(3). Specifically, the phrase "of at least 100 degrees Fahrenheit" is being added to these provisions.

Two-compartment sinks: Section 350.3030(b)(3) conflicts with the requirements of the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750), which require a three-compartment sink or a mechanical dishwasher. The Department is deleting this requirement to eliminate the conflict.

Non-slip tub and shower surfaces: In Sections 350.2730(b)(6) and 350.3030(b)(4), the term "provided" is being replaced by the term "designed." This change will assure that new tubs and showers which are installed are designed with non-slip surfaces. The current wording erroneously implies that a rubber mat or other non-slip surface can be used to meet this requirement.

Building maintenance for safety: The word "safe" is being added to Section 350.2010(a)(1) to more clearly express the purposes of the

DEPARTMENT OF PUBLIC HEALTH

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building maintenance requirements which are contained in this section. This addition is consistent with the use of the term "safe" in subsections (a)(2) through (a)(6) of this section.

Manual restraints: The Department is adding a provision concerning the use of manual restraints to Section 350.3230(e). The provision will require the prior approval of the use of manual restraints by the interdisciplinary team. The provision is needed to prevent the abuse of the use of manual restraints and to protect the rights of residents.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 350
INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licenses
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse License Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

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SUBPART B: ADMINISTRATION

350.510 Administrator

SUBPART C: POLICIES

350.610 Management Policies
350.620 Resident Care Policies
350.630 Admission and Discharge Policies
350.640 Contract Between Resident and Facility
350.650 Residents' Advisory Council
350.660 General Policies
350.670 Personnel Policies
350.675 Initial Health Evaluation for Employees
350.680 Developmental Disabilities Aides
350.685 Student Interns
350.690 Disaster Preparedness
350.700 Serious Incidents and Accidents

SUBPART D: PERSONNEL

350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff

SUBPART F: HEALTH SERVICES

350.1210 Health Services
350.1220 Physician Services
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

350.1410 Medication Policies and Procedures
350.1420 Conformance with Physician's Orders

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350.1430 Administration of Medication
350.1440 Labeling and Storage
350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

350.1610 Resident Record Requirements
350.1620 Content of Medical Records
350.1630 Confidentiality of Resident's Records
350.1640 Records Pertaining to Residents' Property
350.1650 Retention and Transfer of Resident Records
350.1660 Other Resident Record Requirements
350.1670 Staff Responsibility for Medical Records
350.1680 Retention of Facility Records
350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

350.1810 Director of Food Services
350.1820 Dietary Staff in Addition to Director of Food Services
350.1830 Hygiene of Dietary Staff
350.1840 Diet Orders
350.1850 Adequacy of Diet and Meal Pattern
350.1860 Therapeutic Diets
350.1870 Scheduling Meals
350.1880 Menu Planning
350.1890 Food Preparation and Service
350.1900 Food Handling Sanitation
350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

350.2210 Furnishings
350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

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SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE
CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2610 Applicability of Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE
CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

350.2910 Applicability
350.2920 Codes and Standards
350.2930 Preparation of Drawings and Specifications
350.2940 Site
350.2950 Administration and Public Areas
350.2960 Nursing Unit
350.2970 Living, Dining, Activities Rooms
350.2980 Treatment and Personal Care
350.2990 Service Departments
350.3000 General Building Requirements
350.3010 Structural
350.3020 Mechanical Systems
350.3030 Plumbing Systems
350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

350.3210 General
350.3220 Medical and Personal Care Program
350.3230 Restraints
350.3240 Abuse and Neglect
350.3250 Communication and Visitation
350.3260 Resident's Funds
350.3270 Residents' Advisory Council
350.3280 Contract With Facility
350.3290 Private Right of Action
350.3300 Transfer or Discharge

APPENDIX C
APPENDIX D
TABLE A
TABLE B
TABLE C
TABLE D
TABLE E
TABLE F

Seismic Zone Map
Forms for Day Care in Long-Term Care Facilities
Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Fifteen (15) Beds or Less
Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Fifteen (15) Beds or Less
Disaster Preparedness Parameters-Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (111. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 86-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14

350.3310 Complaint Procedures
350.3320 Confidentiality
350.3330 Facility Implementation
SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF 15 BEDS OR LESS

350.3710 Applicability of Other Provisions of this Part
350.3720 Administration
350.3730 Admission and Discharge Policies
350.3740 Personnel
350.3750 Consultation Services and Nursing Services
350.3760 Medication Policies
350.3770 Food Services
350.3780 Codes and Standards
350.3790 Administration and Public Areas
350.3800 Bedrooms
350.3810 Nurses Station
350.3820 Bath and Toilet Rooms
350.3830 Utility Rooms
350.3840 Living, Dining, Activity Rooms
350.3850 Therapy and Personal Care
350.3860 Kitchen
350.3870 Laundry Room
350.3880 General Building Requirements
350.3890 Corridors
350.3900 Special Care Room
350.3910 Exit Facilities and Subdivision of Floor Areas
350.3920 Stairways, Vertical Openings and Doorways
350.3930 Hazardous Areas and Combustible Storage
350.3940 Mechanical Systems
350.3950 Heating, Cooling, and Ventilating Systems
350.3960 Plumbing Systems
350.3970 Electrical Systems
350.3980 Fire Alarm and Detection System
350.3990 Emergency Electrical System
350.4000 Fire Protection
350.4010 Construction Types
350.4020 Equivalencies
350.4030 New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS
350.4210 Day Care in Long-Term Care Facilities

APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service
APPENDIX B Federal Requirements Regarding Residents' Rights

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Ill Reg. 14876, effective October 1, 1990).
NOTE: Italics and capitalization denote statutory language.

SUBPART A: GENERAL PROVISIONS

Section 350.110 General Requirements

- a) These Minimum Standards apply to the operator/licensee of facilities, or distinct parts thereof, that are to be licensed and classified to provide intermediate care for persons with developmental disabilities or skilled-nursing-care. Any license issued and in effect prior to March 1, 1980, pursuant to the Nursing Homes, Sheltered Care Homes, and Homes for the Aged Act (111. Rev. Stat. 1977, ch. 111 1/2, par. 35.16 et seq.) shall remain valid and subject to the terms and conditions of the Nursing Home Care Act (the Act) (111. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 968-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1278, effective September 1, 1988) and all regulations promulgated thereunder until the expiration date shown on the face of such license.

- b) The license issued to each operator/licensee shall designate the licensee's name, facility name, address, the classification by level of service authorized for that facility, the number of beds authorized for each level, the date the license was issued and the expiration date. Such licenses shall be issued for a period of NOT LESS THAN SIX MONTHS NOR MORE THAN 18 MONTHS. The Department will set the period of the license based on the license expiration dates of the facilities in the geographical area surrounding the facility IN ORDER TO DISTRIBUTE THE EXPIRATION DATES as evenly as possible THROUGHOUT THE CALENDAR YEAR. (Section 3-110 of the Act)

- c) An applicant may request that the license issued by the Department of Public Health (the Department) have distinct parts classified according to levels of services. The distinct part must satisfactorily meet the applicable physical plant standards based on a level of service classification sought for that distinct part. If necessary to protect the health, welfare and safety of residents in a distinct part requiring higher standards, the Department shall require compliance with whatever additional physical plant standards are necessary in any distinct part, to achieve this protection as required by the highest level of care being licensed. Administrative, supervisory, and other personnel may be shared by the entire facility, if so doing does not adversely affect meeting the total needs of the residents of the facility.

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- d) THE OPERATOR MAY NOT ADMIT RESIDENTS IN EXCESS OF THE LICENSED CAPACITY OF THE FACILITY. (Section 2-209 of the Act) (B)
- e) An intermediate care facility licensed and classified under the Act shall not use in its title or description "Hospital", "Sanatorium", "Sanatorium", "Rehabilitation Center", "Skilled Nursing Facility", or any other word or description in its title or advertisements which indicates that a type of service is provided by the facility which the facility is not licensed to provide or, in fact, does not provide.
- f) ANY PERSON CONSTRUCTING OR MODIFYING A LONG-TERM CARE FACILITY OR PORTION THEREOF WITHOUT OBTAINING THE REQUIRED PERMIT FROM THE HEALTH FACILITIES PLANNING BOARD SHALL NOT BE ELIGIBLE TO APPLY FOR LICENSES FOR THAT FACILITY OR PORTION THEREOF (Section 13.1 of the Illinois Health Facilities Planning Act, 111. Rev. Stat. 1989, ch. 111 1/2, par. 1163.11).
- g) THE LICENSEE SHALL GIVE 90 DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OR MORE THAN TEN PERCENT OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENTS WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OR THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE LICENSEE SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER THE ACT. (Section 3-423 of the Act) (A, B)

(Source: Amended at 14 Ill. Reg. 14876, effective October 1, 1990)

Section 350.120 Application for License

- a) Any person acting individually or jointly with other persons who proposes to build, own, establish, or operate an intermediate care facility for persons with developmental disabilities, or skilled nursing facility, shall submit pre-application information on forms provided by the Department. The Department shall be furnished a written description of the proposed program to be provided, and other such information as it may require in order to determine the appropriate level of care for which the facility should be licensed.

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The pre-application form and other required information shall be submitted and approved prior to surveys of the physical plant or review of building plans and specifications.

- b) A pre-application for a new facility shall be accompanied by a permit as required by the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 1151 et seq.).

- c) APPLICATION FOR A LICENSE TO ESTABLISH OR OPERATE AN INTERMEDIATE CARE FACILITY FOR PERSONS WITH DEVELOPMENTAL DISABILITIES OR SKILLED NURSING-FACILITY SHALL BE MADE IN WRITING AND SUBMITTED, WITH OTHER SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE, ON FORMS PROVIDED BY THE DEPARTMENT. (Section 3-103(1) of the Act)

- d) ALL APPLICATIONS, EXCEPT THOSE OF HOMES FOR THE AGED, SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF 200 DOLLARS. THE APPLICATION SHALL BE UNDER OATH AND THE SUBMISSION OF FALSE OR MISLEADING INFORMATION SHALL BE A CLASS A MISDEMEANOR. THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:

- 1) THE NAME AND ADDRESS OF THE APPLICANT IF AN INDIVIDUAL, AND IF A FIRM, PARTNERSHIP, OR ASSOCIATION, OF EVERY MEMBER THEREOF, AND IN THE CASE OF A CORPORATION, THE NAME AND ADDRESS THEREOF, AND OF ITS OFFICERS AND ITS REGISTERED AGENT, AND IN THE CASE OF A UNIT OF LOCAL GOVERNMENT, THE NAME AND ADDRESS OF ITS CHIEF EXECUTIVE OFFICER;
- 2) THE NAME AND LOCATION OF THE FACILITY FOR WHICH A LICENSE IS SOUGHT;
- 3) THE NAME OF THE PERSON OR PERSONS UNDER WHOSE MANAGEMENT OR SUPERVISION THE FACILITY WILL BE CONDUCTED;
- 4) THE NUMBER AND TYPE OF RESIDENTS FOR WHICH MAINTENANCE, PERSONAL CARE, OR NURSING IS TO BE PROVIDED; AND
- 5) SUCH INFORMATION RELATING TO THE NUMBER, EXPERIENCE, AND TRAINING OF THE EMPLOYEES OF THE FACILITY, ANY MANAGEMENT AGREEMENTS FOR THE OPERATION OF THE FACILITY, AND OF THE MORAL CHARACTER OF THE APPLICANT AND EMPLOYEES AS THE DEPARTMENT MAY DEEM NECESSARY. (Section 3-103(2) of the Act)

- e) The license is not transferable. It is issued to a specific licensee and for a specific location. The license and the valid current renewal certificate immediately become void and shall be returned to the Department when the facility is sold, or leased; or when operation is discontinued; or when operation is moved to a new location; or when the licensee (if an individual) dies; or when the

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licensee (if a corporation or partnership) dissolves or terminates; or when the licensee (whatever the entity) ceases to be. A license issued to a corporation shall become null, void and of no further effect upon the dissolution of the corporation. The license shall not be revived if the corporation is subsequently reinstated. A new license must be obtained in such cases.

- f) EACH INITIAL APPLICATION SHALL BE ACCOMPANIED BY A FINANCIAL STATEMENT SETTING FORTH THE FINANCIAL CONDITION OF THE APPLICANT AND BY A STATEMENT FROM THE UNIT OF LOCAL GOVERNMENT HAVING ZONING JURISDICTION OVER THE FACILITY'S LOCATION STATING THAT THE LOCATION OF THE FACILITY IS NOT IN VIOLATION OF A ZONING ORDINANCE. AN INITIAL APPLICATION FOR A NEW FACILITY SHALL BE ACCOMPANIED BY A PERMIT AS REQUIRED BY THE "ILLINOIS HEALTH FACILITIES PLANNING ACT". AFTER THE APPLICATION IS APPROVED, THE APPLICANT SHALL ADVISE THE DEPARTMENT EVERY SIX MONTHS OF ANY CHANGES IN THE INFORMATION ORIGINALLY PROVIDED IN THE APPLICATION. (Section 3-103(3) of the Act)

(Source: Amended at 14 Ill. Reg. 14876, effective October 1, 1990)

Section 350.1910 Kitchen Equipment, Utensils, and Supplies

The kitchen or dietary area shall be adequate to meet the food service needs. It shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the Department's rules entitled "Food-Service Sanitation" (72 Ill. Admin. Code 750). This shall include, but is not limited to, the following:--(B)

- a) Each kitchen and floor pantry, or subkitchen, in each building shall be equipped with facilities to maintain required food temperatures during storage, preparation and service; provide protection of cooking equipment and utensils from contamination; and prepare the planned meals. New or replacement equipment shall be of satisfactory institutional-type based on generally accepted standards.
- b) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers of the proper type to satisfactorily prepare the meals.
- c) There shall be proper equipment to maintain food temperatures during service to residents. This equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent.
- d) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal.

(Source: Amended at 14 Ill. Reg. 14876, effective October 1, 1990)

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SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section 350.2010 Maintenance

- a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B)

- 1) Maintain the building in good repair, safe and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose handrails or railings; loose or broken window panes; and any other similar hazards. (B)
- 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. (A, B)
- 3) Maintain all electrical cords and appliances in a safe and functioning condition. (B)
- 4) Maintain the interior and exterior finishes of the building as needed to keep it attractive and clean and safe (painting and washing and other types of maintenance).
- 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.
- 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary and presentable condition. (B)
- 7) Maintain the grounds free from refuse, litter, insect and rodent breeding areas.
- 8) The building and grounds shall be kept free of any possible infestations of insects and rodents by: eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh to the inch and repair of any breaks in construction. (B)

- b) Each facility shall maintain all plumbing fixtures and piping in good repair and properly functioning. Protect the potable water supply from contamination by providing and properly installing adequate backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

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(Source: Amended at 14 Ill. Reg. 14876, effective October 1, 1990)

Section 350.2030 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either through ~~the~~ an in-house laundry or a contract with an outside service.
- 1) An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases required to provide for the residents' needs. Additional changes of linen may be required in consideration of laundering and transporting soiled linens. If an in-house laundry service is provided, then the following conditions shall exist:

- 2) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. No part of the laundry shall be used as a smoking or dining area.
- 3) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens.
- 4) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens.
- 5) Clean linen shall be protected from contamination during handling, transport and storage.
- 6) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel.
- 7) If the laundry and its accessory storage and handling areas shall not be used as a storage area for supplies and equipment not directly connected with the operation of the laundry are stored in the laundry or its accessory storage and handling areas, they shall be protected from contamination by the soiled linens and shall not contribute to contamination of the clean linens.

- b) If an outside laundry service is used, it shall comply with the requirements of in-house laundries and, in addition, shall provide for protection of clean linens during transport back to the facility.

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- c) If the facility provides laundry service for residents' personal clothing, it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. The facility shall assure that the personal clothing of each resident is returned to that individual resident after laundering.

(Source: Amended at 14 Ill. Reg. 14876, effective October 1, 1990)

Section 350.2220 Equipment and Supplies

- a) The facility shall have a supply of thermometers, emesis basins, ice bags, hot water bottles or equivalent, bedpans, urinals, and sets of enema equipment sufficient to meet the needs of its residents. (B)
- b) There shall be at least one privacy bedside screen available in the facility for emergency use when resident privacy is needed each 60-beds-or-more-fraction-thereof-in-multiple-bedrooms-to-provide residents--privacy-when-needed.
- c) There shall be a sufficient supply of linen and bedding in good condition to provide proper care and comfort to the residents. (B)
- d) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze dressing, bandage scissors, tape, sling, burn ointment, and other equipment deemed necessary by the advisory physician or the medical advisory committee. (B)
- e) Activity program supplies shall be provided to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, age-appropriate games, craft supplies, current magazines, books, radio, television, and record player. A piano or organ is recommended as an important adjunct to the activity program equipment.
- f) Dishes and kitchen equipment shall be provided as set forth in Sections 350.1900 and 350.1910.
- g) Cleaning equipment and supplies shall be provided as set forth in Subpart J: Maintenance, Housekeeping and Laundry.
- h) There shall be special equipment, implements, or utensils provided to residents as needed to assist them when eating. (B)

(Source: Amended at 14 Ill. Reg. 14876, effective October 1, 1990)

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Section 350.2720 Mechanical Systems

- a) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of these standards.
- 12) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, parts list with numbers and descriptions for each piece of equipment and a copy of the air-balance report. A complete set of these documents shall be kept on the premises.
- 2a) The owner shall be provided with instructions in the operational use of the systems and equipment as required.
- b) Thermal and Acoustical Insulation
- 1) Insulation shall be provided for the following:
 - 2) Boilers, smoke breaching, and stacks.
 - 3) Steam supply and condensate return piping. (B)
 - 4) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
 - 5) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents. (B)
 - 6) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
 - 7) Water supply and drainage piping on which condensate may occur.
 - 8) Air ducts and casings with outside surface temperatures below ambient dew point.
 - 9) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
 - 10) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive system heat loss or excessive heat gain.
 - A) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame

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spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing Laboratory in accordance with American Society Testing Materials Standard E84. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building, or do not penetrate a wall or roof or do not create an exposure hazard. (B)

B) Access for filter changing shall be provided within equipment rooms.

c) Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.

d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

ed) Heating, Cooling, and Ventilating Systems

1) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors.

2) All ventilation supply, return and exhaust systems shall be mechanically operated.

3) Outdoor air intakes shall be located as far as practical, but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems shall be located as high as practical, but not less than six feet above ground level, or if installed above the roof, three feet above roof level.

4) The ventilation systems shall be designed and balanced to provide the pressure relationships and ventilation rates as shown in Table B. (B)

5) A manometer shall be installed across each filter bed serving

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central air systems.

6) Air conditioning and ventilation systems shall be designed, installed and maintained as required by National Fire Protection Association Standard 90A. (A, B)

7) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with National Fire Protection Association Standard 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories. (A, B)

8) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperature to 97 degrees Fahrenheit. Effective Temperature as defined by American Society Heating Refrigeration Engineers Handbook of Fundamentals. (A, B)

9) Rooms containing heat production equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of ten degrees Fahrenheit above the ambient room temperature.

(Source: Amended at 14 Ill. Reg. 14876, effective October 1, 1990)

Section 350.2730 Plumbing Systems

a) All plumbing systems shall be designed and installed in accordance with the requirements of the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) except that the number of resident required water closets, lavatories, bathtubs, showers, and other fixtures shall be as required by these standards and the facility program. (B)

b) Plumbing Fixtures

1) Plumbing fixtures shall be of non-absorptive acid-resistant materials.

2) The water supply spout for lavatories and sinks required for filling pitchers, for nursing staff and food handlers' handwashing, shall be mounted so that its discharge point is a minimum distance of five inches above the rim of the fixture. (B)

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- 3) Handwashing lavatories used by nursing staff and food handlers shall be trimmed with valves which can be operated without the use of hands. When blade handles are used for this purpose, the blade handles shall not exceed four and one-half inches in length, except the handles on clinical sinks shall not be less than six inches in length.
- 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.
- 5) The potwashing sink shall be a three compartment sink with one compartment at least 14 inches deep.
- 6) Shower bases and tub bottoms shall be designed provided with nonslip surfaces. (B)
- c) Water Supply Systems
 - 1) Water supply systems shall be designed to supply water at sufficient pressure and volume to operate all fixtures and equipment during maximum demand periods.
 - 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
 - 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.
 - 4) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. ~~199~~
 - 5) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
 - 6) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:
 - A) A thermostatically controlled mixing valve, or
 - B) An aquastat which limits the water temperature in the water heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water

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and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. (A, B)

- d) Hot Water Heaters and Tanks
 - 1) Capacity and Temperature Requirements
 - A) The hot water heating equipment shall have sufficient capacity to supply water at the temperature and quantities in the following areas:

	Resident Service	Dietary	Laundry
	6 1/2	4	4 1/2
gallons/hour/bed Temperature (degrees Fahrenheit)	110	140*	180

*180 degree Fahrenheit water is required at dishwasher and pot and pan sink.
 - B) Water temperatures to be taken at the point of use or discharge of the hot water or inlet to processing equipment.
 - 2) Water storage tanks shall be fabricated of corrosion resistant metal or lined with non-corrosive material.
 - e) Drainage Systems. Insofar as possible drainage piping shall not be installed above the ceiling nor installed in an exposed location in food preparation centers, food serving facilities, food storage areas, and other critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from necessary overhead piping systems. (B)
 - f) Fire Extinguishing Systems
 - 1) A complete automatic sprinkler system shall be installed throughout all facilities regardless of construction type. (A, B)
 - 2) All sprinkler and other fire extinguishing systems shall be designed and installed in accordance with National Fire Protection Association Standard 101 and referenced codes. (A, B)
 - 3) All sprinkler systems shall be maintained in accordance with National Fire Protection Association Standard 13A. (A, B)

(Source: Amended at 14 Ill. Reg. 14876, effective October 1, 1990)

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Section 350.3020 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment must be available at the facility. (B)
- b) Thermal and Acoustical Insulation. It is recommended that insulation be provided for the following:
 - 1) Boilers, smoke breeching, and stacks.
 - 2) Steam supply and condensate return piping.
 - 3) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
 - 4) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents.
 - 5) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
 - 6) Water supply and drainage piping on which condensation may occur.
 - 7) Air ducts and casings with outside surface temperature below ambient dew point.
 - 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
 - 9) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive systems heat loss or excessive heat gain.
 - 10) Insulation on cold surfaces shall include an exterior vapor barrier.
 - 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building or do not penetrate a wall or roof or do not create an exposure hazard.
- c) Steam and Hot Water Systems. It is recommended that supply and

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- d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.
- e) Heating, Cooling, and Ventilating Systems
 - 1) The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces.
 - 2) Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system. Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted. (B)
 - 3) All ventilation supply, return and exhaust systems shall be mechanically operated.
 - 4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust. (B)
 - 5) The laundry shall be provided with ventilation for reasonable comfort and with air flowing from clean areas to soiled areas with exhaust to the outdoors. (B)
 - 6) It is recommended that outdoor air intakes be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems should be located as high as practical but not less than six feet above ground level, or if installed above the roof, three feet above roof level.
 - 7) Air conditioning and ventilating systems shall be maintained to conform to the requirements of MFPA 90A. (A, B) Exception: For facilities not exceeding 25,000 cubic feet in volume, NFPA 90B shall apply except "pipeless floor furnaces" are not permitted.

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- 8) The hood and duct system for cooking equipment shall be in conformance with NFPA 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. (A, B)
- 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates. (A, B)
- 10) A capability shall be provided to maintain a temperature of at least 55 degrees Fahrenheit for at least 12 hours when the normal source of electrical power is interrupted. (A, B)

(Source: Amended at 14 Ill. Reg. 14876, effective October 1, 1990)

Section 350.3030 Plumbing Systems

- a) All plumbing systems shall be designed and installed in accordance with the requirements of the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) except that the number of water closets, lavatories, bath tubs, showers and other fixtures shall be as required by these Requirements and the facility program. (B)
- b) Plumbing Fixtures
- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials and shall be kept in good repair.
- 2) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.
- 3) ~~The kitchen-two-compartment-sink-shall-have-one-compartment-no less-than-14-inches-deep.~~
- 34) When existing showers or tubs are replaced or additional showers or tubs provided, the shower bases and tub bottoms shall be designed provided with nonslip surfaces.
- c) Water Supply Systems
- 1) Water supply systems shall be designed to supply potable water at sufficient pressure and volume to operate all plumbing fixtures and equipment during maximum demand periods.

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- 2) It is recommended that each water service main, branch main, riser and branch to a group of fixtures be valved. Stop valves should be provided at each fixture.
- 3) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. ~~(B)~~
- 4) Hot water available to residents at shower bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- 5) Protective measures, such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- d) Hot Water Heaters and Tanks. Water storage tanks shall be fabricated of corrosion resistant metal or lined with non-corrosive material.
- e) Drainage Systems. Special precautions shall be taken to protect food preparation, serving or storage areas from possible leakage or condensation from necessary overhead piping systems. (B)
- f) Fire Extinguishment Systems. All fire extinguishment systems shall be designed and installed in accordance with NFPA 101 and NFPA 13. All fire extinguishment systems shall be maintained in accordance with NFPA 13A. (A, B)

(Source: Amended at 14 Ill. Reg. 14876, effective October 1, 1990)

Section 350.3230 Restraints

- a) NEITHER PHYSICAL RESTRAINTS NOR CONFINEMENTS SHALL BE EMPLOYED FOR THE PURPOSE OF PUNISHMENT OR FOR THE CONVENIENCE OF ANY FACILITY PERSONNEL. NO PHYSICAL RESTRAINTS OR CONFINEMENTS SHALL BE EMPLOYED EXCEPT AS ORDERED BY A PHYSICIAN WHO DOCUMENTS THE NEED FOR SUCH RESTRAINTS OR CONFINEMENTS IN THE RESIDENT'S CLINICAL RECORD. (Section 2-106 of the Act) (B)
- b) Restraints (as defined in Section 350.330) and confinements may be employed only when necessary to prevent a resident from injuring himself or others. The physician's written authorization shall specify the precise time periods and conditions in which any restraints and confinements shall be employed. (B)

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- c) No chemical, medication or tranquilizer shall be employed by a facility as a restraint or confinement in lieu of or in addition to any physical restraint or confinement. Such chemicals, medications or tranquilizers may only be employed as part of a duly prescribed therapeutic medical treatment program authorized by the resident's physician and documented in the resident's clinical record. (B)
- d) No resident shall be subjected to any behavior modification program which utilizes restraints, confinements, or aversive stimuli of any nature unless and until the informed consent of such resident, resident's guardian, or parent of a minor resident has been obtained. (B)
- e) Manual physical restraint must be authorized in writing by the interdisciplinary team, which includes a physician or a registered nurse with three years of clinical training or experience acquired subsequent to the acquisition of licensure, as part of an individual program plan.

(Source: Amended at 14 Ill. Reg. 14876, effective October 1, 1990)

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- 1) Heading of the Part:
Long Term Care for Under Age 22 Facilities Code
- 2) Code Citation:
77 Ill. Adm. Code 390
- 3) Section Numbers:
390.1920 Amendments
390.2010 Amendments
390.2030 Amendments
390.2220 Amendments
390.2720 Amendments
390.2730 Amendments
390.2990 Amendments
390.3020 Amendments
390.3030 Amendments
- 4) Statutory Authority:
Nursing Home Care Act
Ill. Rev. Stat. 1989, ch. 111/1/2, par. 4151-101 et seq.
- 5) Effective Date of Rules:
October 1, 1990
- 6) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X
If "yes," please specify date:
- 7) Does this Rulemaking Contain Any Incorporations by Reference? Yes No X
If "yes," please specify type: 6.02(a) or 6.02(b)
If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes No
- 8) Date Filed in Agency's Principal Office:
October 1, 1990
- 9) Date Notice(s) of Proposal was Published in Illinois Register:

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February 9, 1990 - 14 Ill. Reg. 2237

- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ☐ No ☒

If "yes," please complete the following:

- A) Statement of Objection: _____ Ill. Reg. _____
B) Agency Response: _____ Ill. Reg. _____
C) Date Agency Response Submitted for Approval to the Joint Committee: _____

- 11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

In Section 390.2730(c)(4), the reference to a "B" violation was deleted.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

In Section 390.2730(g), line 3, "Phamphlet" was changed to "Pamphlet."

In Section 390.3020(e)(10), line 2, "Fahrenheit" was changed to "Fahrenheit."

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

- 14) Are there any other Amendments Pending on this Part? Yes ☒ No ☐

If Yes:

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Section Numbers	Proposed Action	Ill. Reg. Citation
390.330	Amendments	14 Ill. Reg. 9883
390.1030	Amendments	14 Ill. Reg. 9883
390.3220	Amendments	14 Ill. Reg. 9883
390.3240	Amendments	14 Ill. Reg. 9883
390.3260	Amendments	14 Ill. Reg. 9883

15) Summary and Purpose of Rules:

These amendments are being adopted by the Department of Public Health to address several issues which have been encountered in the enforcement of the Department's licensing requirements for long-term care facilities for persons under age 22. Related amendments to the rules governing the licensure of skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300), sheltered care facilities (77 Ill. Adm. Code 330), and intermediate care facilities for persons with developmental disabilities (77 Ill. Adm. Code 350) are also being adopted.

Bedside screens: The Department is replacing the term "bedside screens" with "privacy screens" in Section 390.2220(a)(4) to clarify the requirements for privacy screens. Under this change, facilities must have privacy screens available for emergency use when resident privacy is needed.

Dishes and utensils: Several provisions of Section 390.1920 are being deleted as unnecessary, since these requirements are contained in the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750). The food service sanitation rules establish requirements for kitchen equipment, but do not contain requirements for dishes.

Thermal hazards: Requirements for the protection of residents from thermal hazards are being added to Section 390.2720(d) for new facilities and to Section 390.3020(d) for existing facilities. These provisions will require facilities to install appropriate barriers to protect residents from surfaces which may exceed a temperature of 140 degrees Fahrenheit. Severe injuries to residents can result from such hazards.

Smoking and eating in laundry areas: An addition to Section 390.2030(a)(2)(A) is being adopted to clearly prohibit the use of laundry areas for smoking or dining. This addition is needed to define the requirement for the sanitary maintenance and operation of the laundry area.

Storage in laundry areas: Section 390.2030(a)(2)(F) is being amended to allow the storage of supplies and equipment in laundry areas and in areas used for laundry storage and handling. Under the changes, such storage will be allowed as long as contamination of the supplies and equipment and contamination of the clean linens is avoided.

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Return of residents' clothing: The Department is adding a specific requirement to Section 390.2030(c) to assure that residents' clothing is returned to them after laundering.

Hot water temperature: The addition of a clear statement of the meaning of the term "hot water" is being adopted in Sections 390.2730(c)(4) and 390.3030(c)(3). Specifically, the phrase "of at least 100 degrees Fahrenheit" is being added to these provisions.

Two-compartment sinks: Section 390.2990(a)(5) conflicts with the requirements of the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750), which require a three-compartment sink or a mechanical dishwasher. The Department is deleting this requirement to eliminate the conflict.

Non-slip tub and shower surfaces: In Section 390.2730(b)(6) and 390.3030(b)(4), the term "provided" is being replaced by the term "designed." This change will assure that new tubs and showers which are installed are designed with non-slip surfaces. The current wording erroneously implies that a rubber mat or other non-slip surface can be used to meet this requirement.

Building maintenance for safety: The word "safe" is being added to Section 390.2010(a) to more clearly express the purposes of the building maintenance requirements which are contained in this section. This addition is consistent with the use of the term "safe" in subsections (b) through (f) of this section.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 390

LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

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390.140	Issuance of an Initial License Due to a Change of Ownership
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390.160	Criteria for Adverse License Actions
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TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age

TABLE E Sprinkler Requirements
TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (111. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq., as amended by Public Act 86-968, effective December 9, 1987; P.A. 86-1183, effective August 13, 1988; and P.A. 86-1378, effective September 1, 1988).

SOURCE: Adopted at 6 111. Reg. 1658, effective February 1, 1982; emergency amendment at 6 111. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 111. Reg. 11622, effective September 14, 1982; amended at 6 111. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 111. Reg. 14578, effective November 15, 1982; amended at 7 111. Reg. 282, effective December 22, 1982; amended at 7 111. Reg. 1927, effective January 28, 1983; amended at 7 111. Reg. 8574, effective July 11, 1983; amended at 7 111. Reg. 15821, effective November 15, 1983; amended at 7 111. Reg. 16988, effective December 14, 1983; amended at 8 111. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 111. Reg. 16989, effective September 5, 1984; codified at 8 111. Reg. 19823; amended at 8 111. Reg. 24159, effective November 29, 1984; amended at 8 111. Reg. 24656, effective December 7, 1984; amended at 8 111. Reg. 25083, effective December 14, 1984; amended at 9 111. Reg. 122, effective December 26, 1984; amended at 9 111. Reg. 10785, effective July 1, 1985; amended at 11 111. Reg. 16782, effective October 1, 1987; amended at 12 111. Reg. 931, effective December 24, 1987; amended at 12 111. Reg. 16780, effective October 1, 1988; emergency amendment at 12 111. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 111. Reg. 6301, effective April 17, 1989; amended at 13 111. Reg. 19521, effective December 1, 1989; amended at

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14 Ill. Reg. 14904, effective October 1, 1990.

NOTE: Italics and capitalization denote statutory language.

Section 390.1920 Kitchen Equipment, Utensils, and Supplies

~~The kitchen or dietary area shall be adequate to meet the food service needs; it shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the Department's Rules entitled "Food Service Sanitation" (72 Ill. Admin. Code 750). This shall include at a minimum the following:--(B)~~

a) ~~Each kitchen and floor pantry or sub-kitchen in each building shall be adequately equipped with steam-jacketed kettles (in large facilities), stoves, work tables, refrigerators, ovens, and cabinets. No replacement equipment shall be of satisfactory institutional type based on generally accepted standards.~~

b) ~~There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers of the proper type to satisfactorily prepare the meals.~~

c) ~~There shall be proper equipment for keeping hot food hot and cold foods cold until served to the residents. This equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent.---(B)~~

ad) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal.

be) Each facility shall provide a sufficient supply of adaptive food service equipment necessary to meet the need of each resident.

(Source: Amended at 14 Ill. Reg. 14904, effective October 1, 1990)

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section 390.2010 Maintenance

Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B)

a) Maintain the building in good repair, safe and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked

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floor covering, such as tile or linoleum; loose handrails or railings; loose or broken panes; and any other similar hazards. (B)

b) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. (A, B)

c) Maintain all electrical cords and appliances in a safe and functioning condition. (B)

d) Maintain the interior and exterior finishes of the building as needed to keep it attractive, clean and safe (painting, washing and other types of maintenance).

e) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.

f) Maintain the grounds and other buildings on the grounds in a safe, sanitary and presentable condition. (B)

g) Maintain the grounds free from refuse, litter, insect and rodent breeding areas.

h) The building and grounds shall be kept free of any possible infestations of insects and rodents by eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh to the inch and repair of any breaks in construction. (B)

(Source: Amended at 14 Ill. Reg. 14904, effective October 1, 1990)

Section 390.2030 Laundry Services

a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either through an in-house laundry or a contract with an outside service.

1) An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases required to provide for the residents' needs. Additional changes of linen may be required in consideration of the time involved for laundering and transporting soiled linens.

2) If an in-house laundry service is provided, then the following conditions shall exist:

A) The laundry area shall be maintained and operated in a

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clean, safe and sanitary manner. No part of the laundry shall be used as a smoking or dining area.

- B) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens.
- C) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens.
- D) Clean linen shall be protected from contamination during handling, transport and storage.
- E) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel.
- F) If the laundry and its accessory storage and handling areas shall not be used as a storage area for supplies and equipment not directly connected with the operation of the laundry are stored in the laundry or its accessory storage and handling areas, they shall be protected from contamination by the soiled linens and shall not contribute to contamination of the clean linens.

- b) If an outside laundry service is used, it shall comply with the requirements of in-house laundries and, in addition, shall provide for protection of clean linens during transport back to the facility.
- c) If the facility provides laundry service for residents' personal clothing, it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. The facility shall assure that the personal clothing of each resident is returned to that individual resident after laundering.

(Source: Amended at 14 Ill. Reg. 14904, effective October 1, 1990)

Section 390.2220 Equipment and Supplies

- a) The facility shall provide adequate equipment and supplies including at a minimum the following:

- 1) An adequate supply of nursing equipment such as individual thermometers, catheters, dressings, scales, hypodermic needles,

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syringes, and other equipment for giving medicines based on the needs of the residents in the facility.

- 2) At least one properly operating suction machine and one emergency type oxygen apparatus on each floor or section of the building housing residents. (B)
- 3) A sufficient quantity of linen such as sheets, diapers, blankets, towels, wash cloths, and plastic sheeting to provide each resident with a daily individual supply.
- 4) At least one privacy ~~bedside~~ screen available in the facility for emergency use ~~when resident privacy is needed~~ ~~or major function thereof unless substitute curtains are provided to provide residents' privacy when needed.~~ (B)
- 5) An emergency first-aid kit or emergency box containing bandages, sterile gauze dressing, bandage scissors, tape, sling, burn ointment, always, tourniquet, sterile suture set, antiseptic skin cleaner and other equipment deemed necessary by the advisory physician or the medical advisory committee. (B)
- 6) Proper clothing to assure cleanliness and warmth for each resident. (B)
- 7) A sufficient number of play pens provided for residents under one year of age and in addition for those over one year of age, if needed for proper care. These shall be safe for use. (B)
- 8) Washable toys and other developmental toys and equipment provided. These shall be of safe and sanitary design.
- 9) Cleaning equipment and supplies shall be provided as set forth in Subpart J.
- 10) All supplies and special equipment including implements or utensils needed for residents.

- b) The facility shall initiate the procedures and assist the resident in obtaining special equipment designed for an individual resident's exclusive use.

(Source: Amended at 14 Ill. Reg. 14904, effective October 1, 1990)

Section 390.2720 Mechanical Systems

- a) General Mechanical System Requirements

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- 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of these standards.
 - 2) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, parts list with numbers and descriptions for each piece of equipment and a copy of the air-balance report. A complete set of these documents shall be kept on the premises.
 - 3) The owner shall be provided with instructions in the operational use of the systems and equipment as required.
- b) Thermal and Acoustical Insulation
- 1) Insulation shall be provided for the following:
 - 2) Boilers, smoke breeching, and stacks.
 - 3) Steam supply and condensate return piping. (B)
 - 4) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
 - 5) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents. (B)
 - 6) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
 - 7) Water supply and drainage piping on which condensate may occur.
 - 8) Air ducts and casings with outside surface temperatures below ambient dew point.
 - 9) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
 - 10) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive system heat loss or excessive heat gain.
 - 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance

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- with American Society Testing Materials Standard E84. (B)
Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building, or do not penetrate a wall or roof or do not create an exposure hazard.
- 12) Access for filter changing shall be provided within equipment rooms.
- c) Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.
- d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.
- ed) Heating, Cooling, and Ventilating Systems
- 1) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors.
 - 2) All ventilation supply, return and exhaust systems shall be mechanically operated.
 - 3) Outdoor air intakes shall be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems shall be located as high as practical but not less than six feet above ground level, or if installed above the roof, three feet above roof level.
 - 4) The ventilation systems shall be designed and balanced to provide the pressure relationships and ventilation rates as shown in Table D. (B)
 - 5) A manometer shall be installed across each filter bed serving central air systems.
 - 6) Air conditioning and ventilation systems shall be designed,

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installed and maintained as required by National Fire Protection Association Standard 90A. (A, B)

- 7) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with National Fire Protection Association Standard 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories. (A, B)
- 8) The ventilation of the medical gas storage room shall conform to the requirements of National Fire Protection Association Standard 56A "Inhalation Anesthetics" including the gravity option system. (B)
- 9) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures to 97 degrees Fahrenheit, Effective Temperature as defined by American Society Heating Refrigeration Engineers Handbook of Fundamentals. (A, B)
- 10) Rooms containing heat producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of ten degrees Fahrenheit above the ambient temperature.

(Source: Amended at 14 Ill. Reg. 14904, effective October 1, 1990)

Section 390.2730 Plumbing Systems

- a) All plumbing systems shall be designed and installed in accordance with the requirements of the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890), except that the number of resident required water closets, lavatories, bathtubs, showers, and other fixtures shall be as required by the standards and the facility program. (B)

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials.
- 2) The water supply spout for lavatories and sinks required for filling pitchers for nursing staff and food handlers' handwashing, shall be mounted so that its discharge point is a

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minimum distance of five inches above the rim of the fixture. (B)

- 3) Handwashing lavatories used by nursing staff and food handlers, shall be trimmed with valves which can be operated without the use of hands. When blade handles are used for this purpose, the blade handles shall not exceed four and one half inches in length, except the handles on clinical sinks shall not be less than six inches in length.
- 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.
- 5) The potwashing sink shall be a three compartment sink with one compartment at least 14 inches deep.
- 6) Shower bases and tub bottoms shall be designed ~~provided~~ with nonslip surfaces. (B)

c) Water Supply Systems

- 1) Water supply systems shall be designed to supply water at sufficient pressure and volume to operate all fixtures and equipment during maximum demand periods.
- 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
- 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.
- 4) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. ~~(B)~~
- 5) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- 6) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:

- A) A thermostatically controlled mixing valve, or
- B) An aquastat which limits the water temperature in the water

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heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. (A, B)

d) Hot Water Heaters and Tanks

- 1) The hot water heating equipment shall have sufficient capacity to supply water at the temperature and quantities in the following areas:

	Resident Service	Dietary	Laundry
Gallons/hour/bed Temperature (degrees Fahrenheit)	6 1/2 110	4 140*	4 1/2 180

*180 degree Fahrenheit water is required at dishwasher and pot and pan sink. Water temperatures to be taken at the point of use or discharge of the hot water or inlet to processing equipment.

- 2) Water storage tanks shall be fabricated of corrosion resistant metal or lined with noncorrosive material.

e) Drainage Systems. Insofar as possible drainage piping shall not be installed above the ceiling nor installed in an exposed location in food preparation centers, food serving facilities, food storage areas, and other critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from necessary overhead piping systems. (B)

f) Nonflammable Gas System. Nonflammable medical gas systems if installed shall be in accordance with the requirements of National Fire Protection Association Standards 56A and 56F. (B)

g) Clinical Vacuum (Suction) Systems. Clinical vacuum systems if installed shall be in accordance with the requirements of the Compressed Gas Association Pamphlet P-2.1. (B)

h) Fire Extinguishing Systems

- 1) A complete automatic sprinkler system shall be installed throughout all facilities regardless of construction type. (A, B)

- 2) All sprinkler and other fire extinguishing systems shall be

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designed and installed in accordance with National Fire Protection Association Standard 101 and referenced codes. (A, B)

- 3) All sprinkler systems shall be maintained in accordance with National Fire Protection Association Standard 13A. (A, B)

(Source: Amended at 14 Ill. Reg. 14904, effective October 1, 1990)

Section 330.2990 Service Department

a) Kitchen

- 1) Provide a kitchen area, not including food storage area, of approximately ten square feet per resident bed; this may be reduced for a facility with 40 or more beds. Any deviation from this requirement must receive approval from the Department. Such approval will only be granted if it can be shown that sufficient space can be provided to meet the needs of the residents. (B)

- 2) Provide kitchen equipment in an arrangement for convenient operation, good sanitation, healthful working conditions and control of heat, noise, and odors. (B)

- 3) Provide appropriate equipment for the preparation and serving of meals. (B)

- 4) Provide refrigeration of perishable foods. (B)

- 5) ~~The kitchen shall be equipped with a two-compartment sink for washing and sanitizing dishes, pots, pans, and utensils. (B) -- A commercial-type dishwasher is recommended.~~

- 56) The kitchen shall be provided with a handwashing lavatory. (B)

- 67) The walls and ceilings of all food handling rooms shall be finished with smooth, washable, light-colored surfaces.

- 78) All openings to the outside shall be effectively screened during fly seasons, and screen doors shall be equipped with self-closing devices; or a satisfactory alternative method.

- 89) The kitchen shall be located so that no resident must pass through it to reach a bathroom, resident's bedroom, the living room, dining room, or the out-of-doors. (B)

- 940) Provide approximately two and one-half square feet per patient bed for bulk and daily food storage located in a room

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convenient to the kitchen.

b) Formula Area

- 1) If commercially prepared formulas are used, there shall be clean storage and dispensing areas provided.
- 2) If the facility is preparing its own formula, the formula area shall contain elbow, foot or knee controlled lavatory, a sink, refrigerator, and an autoclave or other approved system for terminal sterilization. Additional equipment and utensils necessary for carrying on proper techniques in formula preparation and storage shall be provided.
- 3) The facility shall be a separated room or provide an appropriate area for bottle and nipple washing and cleaning, equipped as necessary to carry out proper technique.

c) Laundry

- 1) Provide a laundry room equipped with adequate facilities for satisfactorily doing all laundering, unless a commercial laundry service is used.
- 2) Provide satisfactory and separate areas for soiled holding and sorting and clean linen storage. These may be in the same room if well defined and adequate separation is provided.
- 3) The laundry facilities shall not be located in a room used by residents, or for food storage, preparation or serving. It shall be located so that soiled linens are not carried through a food handling area to reach it. (B)

d) Storage

- 1) Provide a total area of approximately seven and one-half square feet per resident bed for the storage area required in this Section.
- 2) Provide adequate storage space for personal possessions of residents and staff, toys, linens, supplies, and other items. This storage shall be such that it does not constitute a fire or accident hazard and will not be in the way of residents or staff.
- 3) Provide adequate storage space in the facility, out of the way of residents and staff, to store wheelchairs, walkers, and similar equipment temporarily not being used.

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- 4) Provide closets for cleaning supplies, janitor's sinks, linen closets, storerooms for luggage, and furniture replacements.

(Source: Amended at 14 Ill. Reg. 14904, effective October 1, 1990)

Section 390.3020 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment must be available at the facility. (B)
- b) Thermal and Acoustical Insulation. It is recommended that insulation be provided for the following:

- 1) Boilers, smoke breeching, and stacks.
- 2) Steam supply and condensate return piping.
- 3) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
- 4) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents.
- 5) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
- 6) Water supply and drainage piping on which condensation may occur.
- 7) Air ducts and casings with outside surface temperature below ambient dew point.
- 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- 9) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive systems heat loss or excessive heat gain.
- 10) Insulation on cold surfaces shall include an exterior vapor barrier.
- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. Exception: Duct, pipe and equipment

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c) coverings shall not be required to meet these requirements where they are located entirely outside of a building or do not penetrate a wall or roof or do not create an exposure hazard.

It is recommended that supply and return mains and risers for cooling, heating and process steam systems be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.

d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

ed) Heating, Cooling, and Ventilating Systems

1) The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces.

2) Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is produced by the central heating system. Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted. (B)

3) All ventilation supply return and exhaust systems shall be mechanically operated.

4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust. (B)

5) The laundry shall be provided with ventilation for reasonable comfort with air flowing from clean areas to soiled areas with exhaust to the outdoors. (B)

6) It is recommended that outdoor air intakes be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems should be located as high as practical but not less than six feet above ground level, or if installed above the roof, three feet above roof level.

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7) Air conditioning and ventilating systems shall be maintained to conform to the requirements of NFPA 90A. (A, B)

8) The hood and duct system for cooking equipment shall be in conformance with NFPA 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. (A, B)

9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates. (A, B)

10) A capability shall be provided to maintain a temperature of at least 55 degrees Fahrenheit for at least 12 hours when the normal source of electrical power is interrupted. (A, B)

(Source: Amended at 14 Ill. Reg. 14904, effective October 1, 1990)

Section 390.3030 Plumbing Systems

a) General Requirements for Plumbing Systems

1) All plumbing systems shall be designed and installed in accordance with the requirements of the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) except that the number of water closets, lavatories, bath tubs, showers and other fixtures shall be as required by these Requirements and the facility program. (B)

2) New and replacement equipment, fixtures and fittings for mechanical, plumbing and electrical systems shall conform to and be installed in accordance with Subpart M of this Part.

b) Plumbing Fixtures

1) Plumbing fixtures shall be of nonabsorptive acid-resistant materials and shall be kept in good repair.

2) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.

3) The kitchen shall be equipped with a two compartment sink for washing pots and pans. One compartment shall contain no less than 14 inches depth of 170 degrees Fahrenheit water. A commercial type dishwasher is recommended.

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- 4) When existing showers or tubs are replaced or additional showers or tubs provided, the shower bases and tub bottoms shall be designed provided with nonslip surfaces.

c) Water Supply Systems

- 1) Water supply systems shall be designed to supply potable water at sufficient pressure and volume to operate all plumbing fixtures and equipment during maximum demand periods.
- 2) It is recommended that each water service main, branch main, riser and branch to a group of fixtures be valved. Stop valves should be provided at each fixture.
- 3) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times.
- 4) Hot water available to residents at shower bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- 5) Protective measures, such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- d) Special precautions shall be taken to protect food preparation, serving or storage areas from possible leakage or condensation from necessary overhead piping systems. (B)
- e) All fire extinguishment systems shall be designed and installed in accordance with NFPA 101 and NFPA 13. All fire extinguishment systems shall be maintained in accordance with NFPA 13A. (A, B)

(Source: Amended at 14 Ill. Reg. 14904, effective October 1, 1990)

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1) Heading of the Part:

Sheltered Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 330

3) Section Numbers:

330.2010
330.2210
330.2230
330.2420
330.3060
330.3160
330.3620
330.3690
330.3720

Adopted Action:

Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments

4) Statutory Authority:
Nursing Home Care Act

Ill. Rev. Stat. 1989, ch. 111/12, par. 4151-101 et seq.

5) Effective Date of Rules:

October 1, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ___ No X

If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___

8) Date Filed in Agency's Principal Office:

October 1, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

February 2, 1990 - 14 Ill. Reg. 1827

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10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes No X

If "yes," please complete the following:

- A) Statement of Objection: Ill. Reg.
- B) Agency Response: Ill. Reg.
- C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

In Sections 330.3160(b)(8) and 330.3720(c)(8), the reference to a "B" violation was deleted.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

In the Authority Note, "1987" was changed to "1989."

In the Source Note, "14" was changed to "13" in "Ill. Reg. 6562, effective April 17, 1989."

In Section 330.2230(a)(6), "they" was changed to "such supplies and equipment."

In Section 330.3160(b)(3), "ballcocks" was changed to "ball cocks."

Section 330.3060(h) was modified to read: "have all doors and windows in good repair so that they fit snugly and are weathertight, yet will open and close easily."

In Section 330.3060(j), "bath rooms" was changed to "bathrooms."

In Section 330.3620(d), "has" was changed to "have" before "been frequent" and before "resulted."

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint

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Committee:

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes No X

14) Are there any other Amendments Pending on this Part? Yes X No

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
330.330	Amendments	14 Ill. Reg. 9920
330.913		
330.1110		
330.4220		
330.4240		
330.4260		

15) Summary and Purpose of Rules:

These amendments are being adopted by the Department of Public Health to address several issues which have been encountered in the enforcement of the Department's licensing requirements for sheltered care facilities. Related amendments to the rules governing the licensure of skilled nursing and intermediate care facilities (77 Ill. Adm. Code 300), intermediate care facilities for persons with developmental disabilities (77 Ill. Adm. Code 350), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being adopted.

Bedside screens: The Department is replacing the term "bedside screens" with "privacy screens" in Section 330.2420(b) to clarify the requirements for screens. Under this proposed change, facilities must have privacy screens available for emergency use when resident privacy is needed.

Dishes and utensils: Several provisions of Section 330.2010 are being deleted as unnecessary, since these requirements are contained in the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750). The food service sanitation rules establish requirements for kitchen equipment, but do not contain requirements for dishes.

Thermal hazards: Requirements for the protection of residents from thermal hazards are being added to Section 330.3060(c) for new facilities and to Section 330.3620(q) for existing facilities. These provisions will require facilities to install appropriate barriers to protect residents

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from surfaces which may exceed a temperature of 140 degrees Fahrenheit. Severe injuries to residents can result from such hazards.

Smoking and eating in laundry areas: An addition to Section 330.2230(a)(1) will clearly prohibit the use of laundry areas for smoking or dining. This addition is needed to define the requirement for the sanitary maintenance and operation of the laundry area.

Storage in laundry areas: Section 330.2230(a)(6) is being amended to allow the storage of supplies and equipment in laundry areas and in areas used for laundry storage and handling. Under the changes, such storage will be allowed as long as contamination of the supplies and equipment and contamination of the clean linens is avoided.

Return of residents' clothing: The Department is adding a specific requirement to Section 330.2230(c) to assure that residents' clothing is returned to them after laundering.

Hot water temperature: The addition of a clear statement of the meaning of the term "hot water" is being adopted in Sections 330.3160(b)(8) and 330.3720(b)(8). Specifically, the phrase "of at least 100 degrees Fahrenheit" is being added to these provisions.

Two-compartment sinks: Section 330.3690(h) conflicts with the requirements of the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750), which require a three-compartment sink or a mechanical dishwasher. The Department is deleting this requirement to eliminate the conflict.

Building maintenance for safety: The word "safe" is being added to Section 300.2210(a)(1) to more clearly express the purposes of the building maintenance requirements which are contained in this section. This addition is consistent with the use of the term "safe" in subsections (a)(2) through (a)(6) of this section.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse Licensee Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to Be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitor and Receivership
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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330.510 Administrator

SUBPART C: POLICIES

- 330.710 Resident Care Policies
- 330.720 Admission and Discharge Policies
- 330.730 Contract Between Resident and Facility
- 330.740 Residents' Advisory Council
- 330.750 General Policies
- 330.760 Personnel Policies
- 330.765 Initial Health Evaluation for Employees
- 330.770 Disaster Preparedness
- 330.780 Serious Incidents and Accidents

SUBPART D: PERSONNEL

- 330.910 Personnel
- 330.913 Nursing and Personal Care Assistants
- 330.916 Student Interns
- 330.920 Consultation Services
- 330.930 Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

- 330.1110 Medical Care Policies
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- 330.1130 Communicable Disease Policies
- 330.1135 Tuberculin Skin Test Procedures
- 330.1140 Behavior Emergencies

SUBPART F: RESTORATIVE SERVICES

- 330.1310 Activity Program
- 330.1320 Work Programs
- 330.1330 Written Policies for Restorative Services

SUBPART G: MEDICATIONS

- 330.1510 Medication Policies
- 330.1520 Administration of Medication
- 330.1530 Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

- 330.1710 Resident Record Requirements
- 330.1720 Content of Medical Records
- 330.1730 Records Pertaining to Residents' Property
- 330.1740 Retention and Transfer of Resident Records

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- 330.1750 Other Resident Record Requirements
- 330.1760 Retention of Facility Records
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SUBPART I: FOOD SERVICE

- 330.1910 Director of Food Services
- 330.1920 Dietary Staff in Addition to Director of Food Services
- 330.1930 Hygiene of Dietary Staff
- 330.1940 Diet Orders
- 330.1950 Adequacy of Diet and Meal Pattern
- 330.1960 Therapeutic Diets
- 330.1970 Scheduling of Meals
- 330.1980 Menu Planning
- 330.1990 Food Preparation and Service
- 330.2000 Food Handling Sanitation
- 330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

- 330.2210 Maintenance
- 330.2220 Housekeeping
- 330.2230 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- 330.2410 Furnishings
- 330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

- 330.2610 Codes
- 330.2620 Water Supply
- 330.2630 Sewage Disposal
- 330.2640 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

- 330.2810 Applicable Requirements (Repealed)
- 330.2820 Applicability of These Standards
- 330.2830 Submission of a Program Narrative
- 330.2840 New Construction, Additions, Conversions, and Alterations
- 330.2850 Preparation and Submission of Drawings and Specifications
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330.3000 Mechanical Drawings
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SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

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 330.3320 Applicability of These Standards
 330.3330 Fire Protection
 330.3340 Fire Department Service and Water Supply
 330.3350 General Building Requirements
 330.3360 Exit Facilities and Subdivision of Floor Areas
 330.3370 Stairways, Vertical Openings, and Doorways
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 330.3400 Hazardous Areas and Combustible Storage
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 330.3430 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

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330.3700 Laundry Room
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SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE FACILITIES

330.3910 Fire Protection
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 330.3930 Occupancy and Fire Areas
 330.3940 Exit Facilities and Subdivision of Floor Areas
 330.3950 Stairways, Vertical Openings, and Doorways
 330.3960 Exit and Fire Escape Lights and Directional Signs
 330.3970 Hazardous Areas and Combustible Storage
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SUBPART Q: RESIDENT'S RIGHTS

330.4210 General
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SUBPART R: DAY CARE PROGRAMS

330.4510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities

APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service

APPENDIX C Forms for Day Care in Long-Term Care Facilities

APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation

TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (11).

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Rev. Stat. 1989, ch. 111 1/2, pars. 4151-101 et seq. as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1378, effective September 1, 1988).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 19339, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 134 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990.

NOTE: Italics and capitalization denote statutory language.

SUBPART I: FOOD SERVICE

Section 330.2010 Kitchen Equipment, Utensils, and Supplies

The kitchen or dietary area shall be adequate to meet the food service needs; it shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 700). This shall include, but is not limited to, the following:--(B)

- a) Each kitchen and food pantry or subkitchen, in each building shall be equipped with facilities to maintain required food temperatures during storage, preparation and service; provide protection of cooking equipment and utensils from contamination; and prepare the planned meals. New or replacement equipment shall be of satisfactory institutional type based on generally accepted standards.
- b) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers of the proper type to satisfactorily prepare the meats.

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e) There shall be proper equipment to maintain food temperatures during service to residents. This equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent.--(B)

d) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal.

(Source: Amended at 14 Ill. Reg. 14928, effective October 1, 1990.)

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section 330.2210 Maintenance

a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B)

- 1) Maintain the building in good repair, safe and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor coverings, such as tile or linoleum; loose handrails or railings; loose or broken window panes, and any other similar hazards. (B)
- 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. (A, B)
- 3) Maintain all electrical cords and appliances in a safe and functioning condition. (B)
- 4) Maintain the interior and exterior finishes of the building as needed to keep it attractive, clean and safe (painting, washing and other types of maintenance).
- 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.
- 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary, and presentable condition. (B)
- 7) Maintain the grounds free from refuse, litter, insect and rodent breeding areas.

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- 8) The building and grounds shall be kept free of any possible infestations of insects and rodents by eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh to the inch and repair of any breaks in construction. (B)
- b) Plumbing Maintenance
- 1) Each facility shall maintain all plumbing fixtures and piping in good repair and properly functioning.
- 2) Each facility shall protect the potable water supply from contamination by providing and properly installing adequate, backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

(Source: Amended at 14 Ill. Reg. 14928, effective October 1, 1990)

Section 330.2230 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either through ~~the~~ an in-house laundry or a contract with an outside service. An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases required to provide for the residents' needs. Additional changes of linen may be required in consideration of laundering and transporting soiled linens. If an in-house laundry service is provided, then the following conditions shall exist:
- 1) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. No part of the laundry shall be used as a smoking or dining area.
- 2) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens.
- 3) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens.
- 4) Clean linen shall be protected from contamination during handling, transport and storage.

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- 5) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel.
- 6) If the laundry and its accessory storage and handling areas shall not be used as a storage area for supplies and equipment not directly connected with the operation of the laundry are stored in the laundry or its accessory storage and handling areas, such supplies and equipment shall be protected from contamination by the soiled linens and shall not contribute to contamination of the clean linens.
- b) If an outside laundry service is used, it shall provide for protection of clean linens during transport back to the facility.
- c) If the facility provides laundry service for residents' personal clothing, it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. The facility shall assure that the personal clothing of each resident is returned to that individual resident after laundering.

(Source: Amended at 14 Ill. Reg. 14928, effective October 1, 1990)

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section 330.2420 Equipment and Supplies

- a) The facility shall have a supply of thermometers, emesis basins, ice bags, hot water bottles or equivalent, bedpans, urinals, and sets of enema equipment sufficient to meet the needs of its residents. (B)
- b) There shall be at least one privacy bedside screen available in the facility for emergency use when resident privacy is needed ~~each 50 beds or major fraction thereof in multiple bedrooms to provide residents privacy when needed.~~
- c) There shall be a sufficient supply of linen and bedding in good condition to provide proper care and comfort to the residents. It shall include, but is not limited, to the following: (B)
- 1) Sheets, four per bed.
 - 2) Pillow cases, three per bed.
 - 3) Bed blankets, two per bed.
 - 4) Bedspreads, two per bed.

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- 5) Washcloths and hand towels, as needed.
- 6) Bath towels, three per bed.
- 7) Patient hospital gowns as needed.
- 8) Pillows, one per bed plus a ten percent reserve.
- d) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze dressings, bandage scissors, tape, sling, burn ointment, and any other equipment deemed necessary. (B)
- e) Activity program supplies shall be provided to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, games, crafts supplies, current magazines, books, radio, television, and record player. A piano or organ is recommended as an important adjunct to the activity program equipment.
- f) Dishes and kitchen equipment shall be provided as set forth in Section 330.2000.
- g) Cleaning equipment and supplies shall be provided as set forth in Sections 330.2210 through 330.2220.

(Source: Amended at 14 Ill. Reg. 14928, effective October 1, 1990.)

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW
SHELTERED CARE FACILITIES

Section 330.3060 General Building Requirements

Every building shall:

- a) Be structurally sound, in good repair, and attractive inside and outside. (B)
- b) Have a minimum of one adequately sized elevator in all buildings of two or more stories in height. Additional elevators as determined by the Department shall be provided based upon the population and condition of the residents. The basement shall be considered as one story if it is used by residents. (B)
- c) Have stairways with a minimum head room of seven feet, a minimum width of three feet eight inches on required exit stairs, when serving resident areas, and three feet for all others. If handrails

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- project more than three and one-half inches, the width shall be measured between the handrails. Have treads of not less than 11 inches, and risers of not more than seven and one-half inches. Stairways with triangular or winding treads or single risers are not acceptable. (B)
- d) Have sturdy handrails on both sides of each stairway whether inside or outside of the building. Handrails shall be one and one-half inches in diameter at least and one and one-half inches clear of the wall. (B)
- e) Have a ceiling height of eight feet or more throughout all rooms occupied or used by the residents. (B)
- f) Have main entrance and exit doors swinging outward with a minimum clear width of three feet, eight inches. Provide panic hardware and door closers. (B)
- g) Have each exterior door equipped with a signal that will alert personnel in the area if a resident leaves the building. An exterior door that is supervised during certain periods during the day or night may have a disconnect device for part time use. If there is constant 24 hour a day supervision of the door, a signal is not required. (B)
- h) Have all doors and windows in good repair so that they fit snugly and are weathertight, yet will open and close easily.
- i) Have all outside doors, other than at required exits, and nonstationary windows equipped with tight fitting full length 16 mesh screens. Screen doors shall be equipped with self-closing devices.
- j) Have all floors free from cracks and finished so that they can be easily, properly, and efficiently cleaned. Floors in bathrooms, kitchens, and utility rooms shall be covered wall to wall with inlaid linoleum, terrazzo, ceramic tile, or an equivalent material. (B)
- k) Have all walls and ceilings of sound construction and covered with plaster or an equivalent, free from cracks, holes, or heavily textured surfaces.
- l) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other insects.
- m) Be provided with sufficient and satisfactory artificial lighting wherever required throughout the building and grounds.
- n) All doorways used by residents shall be flush with the floor.

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- o) Be served by reliable telephone service. (B)
- p) Provide a medicine cabinet and sink with hot and cold running water. (See Section 330.1530(a).)
- q) Have no other business not related to health care conducted in the building that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and shall have a separate entrance.
- r) Install partitions, screens, shields, or other means to protect residents from thermal hazards such as radiators, hot water or steam pipes, baseboard heaters, therapy equipment, or other surfaces accessible to residents which may exceed a temperature of 140 degrees Fahrenheit. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

(Source: Amended at 14 Ill. Reg. 14928, effective October 1, 1990)

Section 330.3160 Plumbing

a) Every building shall meet the following plumbing requirements:

- 1) Comply with the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890). (A, B)
- 2) All plumbing shall be of adequate size and so installed that fixtures receive water under good pressure and are satisfactorily drained.
- 3) All plumbing fixtures having connections to the building water supply shall be connected or equipped so as to prevent any back flow of contaminated material to the water supply piping. (A, B)
- 4) Individual sewer connections shall be such that backflow cannot occur from the building sewer to the fixture. (A, B)
- 5) No physical connection shall be permitted between a safe and an unsafe water supply. (A, B)

b) The following standards shall be used as a guide to determine satisfactory compliance of individual fixtures:

- 1) Lavatory faucets shall discharge at least one inch above the top rim of the lavatory bowl. (B)

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- 2) Bathtub, sink, laundry, and tub faucets shall discharge at least two inches above the top rim of the sink. (B)
- 3) Flush tank type toilets shall be equipped with approved antisiphon ball cocks, so installed that the effective air openings of the vacuum breaker is at least one inch above the top of the overflow tube in the toilet flush tank. (B)
- 4) Flushometer type toilets shall be equipped with approved vacuum breakers, installed on the discharge side of the flush valve, and at least four inches above the top of the toilet bowl. (B)
- 5) Dishwashing machines, laundry machines, urinals, and drinking fountains shall be so installed as to provide backflow protection. (B)
- 6) All fixtures having, or capable of receiving, a hose shall have a vacuum breaker located at least six inches above the highest head that normally may be placed on the unit. The height of the antisiphon unit should be sufficient to prevent any pressure on the unit, other than atmospheric pressure, when the control valve is closed. (B)
- 7) Potable water shall be protected from cross connections to sewage piping systems, boilers, and other sources of contaminated water. (B)
- 8) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. (B)
- 9) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- 10) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:
 - A) A thermostatically controlled mixing valve, or
 - B) An aquastat which limits the water temperature in the water heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. (A, B)

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(Source: Amended at 14 Ill. Reg. 14928, effective October 1, 1990)

SUBPART 0: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING
SHELTERED CARE FACILITIES

Section 330.3620 General Building Requirements

Every existing facility shall:

- a) Be structurally sound, in good repair, and attractive inside and out. (B)
- b) Have stairs, whether inside or outside of the building, provided with sturdy handrails. Stairways over three feet wide shall have handrails on each side. (B)
- c) Be served by reliable telephone service.
- d) Be served by reliable electrical service. The Department may require a standby electric generator on the premises to provide an emergency supply of electricity to maintain essential services when it has evidence that there have been frequent and prolonged interruptions of service that have resulted in a threat to the residents' health and welfare. (B)
- e) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other insects.
- f) Have all outside doors, other than required exits, and nonstationary windows equipped with tight-fitting, full-length 16-mesh screens. Screen doors shall be equipped with self-closing devices.
- g) Have each exterior door equipped with a signal that will alert personnel in the area if a resident leaves the building. Any exterior door that is supervised during certain periods during the day or night may have a disconnect device for part-time use. If there is constant 24 hour a day supervision of the door, a signal is not required. (B)
- h) Be provided with sufficient and satisfactory artificial lighting wherever required throughout the building and grounds.
- i) Have smooth floors which are free from cracks and finished so that they can be easily and properly cleaned. Floors in bathrooms, kitchens, and utility rooms shall be covered wall to wall with terrazzo, inlaid linoleum, tile or approved equivalent. (B)

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- j) Have all walls and ceilings of sound construction, covered with plaster or approved equivalent, in good repair, and free from cracks or holes for easy and proper cleaning.
- k) Have all windows in good repair so that they fit snugly, yet will open and close easily.
- l) Have safety devices provided across low windows, on open porches, at changes in floor level, and at other danger areas inside or outside the building, when there is a danger present to residents. (B)
- m) Have no other business unrelated to health care conducted in the building that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building.
- n) Have any thresholds for doorways used by residents flush with the floor.
- o) Have a ceiling height of eight feet or more throughout all rooms occupied or used by residents.
- p) Provide a medicine cabinet. (See Section 330.1520.)
- q) Install partitions, screens, shields, or other means to protect residents from thermal hazards such as radiators, hot water or steam pipes, baseboard heaters, therapy equipment, or other surfaces accessible to residents which may exceed a temperature of 140 degrees Fahrenheit. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

(Source: Amended at 14 Ill. Reg. 14928, effective October 1, 1990)

Section 330.3690 Kitchen

Every existing facility shall:

- a) Provide a kitchen properly located for efficient food service, and large enough to accommodate the equipment and personnel needed to prepare and properly serve the number of meals required, all in accordance with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750). Adequacy of the kitchen facilities will be determined by the Department if it is sufficient to meet the needs of the residents based on professional evaluation. (B)

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- b) Provide a subkitchen with satisfactory facilities for serving meals properly from thermo containers; for storing staple foods and nutrients; and for properly washing and sanitizing dishes if the prepared meals are transported to the facility from a central kitchen in another building.
- c) Have the walls and ceilings of all food handling rooms finished with smooth, washable, light colored surfaces.
- d) Have all openings to the outer air effectively screened during fly season, and have screen doors either open outward, equipped with self-closing devices, or a satisfactory alternate method.
- e) Have adequate artificial light provided on all work surfaces in rooms in which food is prepared and dishes are washed. Artificial light shall be used except when equivalent natural light is present.
- f) Have food servicing rooms adequately ventilated so as to be reasonably free from disagreeable odors and moisture.
- g) Have an adequate supply of hot and cold running water under pressure, easily available to rooms in which food is prepared and dishes are washed.
- h) ~~Have a two-compartment sink or its equivalent; one compartment for washing dishes and the other for rinsing and disinfecting them. The compartment for disinfection shall be sufficiently deep to allow complete submersion of all items washed--(B)~~
- h) Have future installations of equipment of an institutional type in compliance with the adopted standards of the National Sanitation Foundation Testing Laboratory (including basic or special criteria), or equivalent. (B)
- i) Have the kitchen so located that no resident must pass through it to reach the bathroom, his bedroom, the living room, or out-of-doors.

(Source: Amended at 14 Ill. Reg. 14928, effective October 1, 1990)

Section 330.3720 Plumbing and Heating

- a) Every existing facility shall meet the following plumbing and heating requirements:

- 1) All plumbing shall comply with the Department's rules entitled "Illinois Plumbing Code" (77 Ill. Adm. Code 890) effective at the time of approval by the Department of either the

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- architectural plans or the building. (A, B)
- 2) All plumbing within the building shall be of an adequate size and so installed that fixtures receive water under good pressure and are satisfactorily drained. (A, B)
- 3) No physical connection shall be permitted between a safe and an unsafe water supply. (A, B)
- b) All plumbing installations and fixtures on the premises shall be of such a type and design that danger of contaminated water entering the drinking water piping by backflow or backsiphonage is eliminated. The following standards shall be used as a guide to determine satisfactory compliance of individual fixtures: (A, B)
- 1) Lavatory faucets shall discharge at least one inch above the top rim of the lavatory bowl. (B)
- 2) Faucets for bathtubs, sinks, and laundry tubs shall discharge at least two inches above the top rim of the fixture. (B)
- 3) Flush tank type toilets shall be equipped with approved antisiphon ball cocks, so installed that the effective air opening of the vacuum breaker is at least one inch above the top of the overflow tube in the toilet flush tank. (B)
- 4) Flushometer type toilets shall be equipped with approved vacuum breakers installed on the discharge side of the flush valve and at least four inches above the top of the toilet bowl. (B)
- 5) Dishwashing machines, laundry machines, urinals, and drinking fountains shall be so installed as to provide backflow protection. (B)
- 6) Protection against other backflow possibilities may be required by the Department. (B)
- 7) All fixtures having, or capable of receiving, a hose shall have a vacuum breaker located at least six inches above the highest head that normally may be placed on the unit. The height of the antisiphon unit should be sufficient to prevent any pressure on the unit, other than atmospheric pressure, when the control valve is closed. (B)
- 8) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. (B)

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9) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)

10) Protective measures such as but not limited to, installation of a mixing valve, limited access to controls, and checking water temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)

c) The facility shall be equipped with a central heating plant, and have a radiator, convactor, or register in each room used by residents or staff.

d) The heating system shall be capable of maintaining a temperature of 80 degrees Fahrenheit throughout the residents' section of the building during weather conditions when the temperature falls to 20 degrees below zero Fahrenheit.

e) Alternative modern types of heating systems may be accepted, if it is adequate to meet the needs of the residents as determined by professional standards.

(Source: Amended at 14 Ill. Reg. 14928, effective October 1, 1990)

1) Heading of the Part:

Skilled Nursing and Intermediate Care Facilities Code

2) Code Citation:

77 Ill. Adm. Code 300

3) Section Numbers:

300.2110
300.2210
300.2230
300.2420
300.2920
300.2930
300.3060
300.3120
300.3130

Adopted Action:

Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments

4) Statutory Authority:

Nursing Home Care Act

(Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 4151-101 et seq.)

5) Effective Date of Rules:

October 1, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ___ No X

If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___

8) Date Filed in Agency's Principal Office:

October 1, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

February 9, 1990 - 14 Ill. Reg. 2261

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- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes ☐ No ☒

If "yes," please complete the following:

A) Statement of Objection: _____, Ill. Reg. _____

B) Agency Response: _____, Ill. Reg. _____

C) Date Agency Response Submitted for Approval to the Joint Committee: _____

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

In Sections 300.2930(c)(4) and 300.3130(c)(3), the reference to a "B" violation was deleted.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

In Section 300.2420(f), the words "Dishes and" were deleted and the "K" in "kitchen" was capitalized.

In Section 30.3120(d), line 5, "form" was changed to "from."

In Section 300.3060(f)(3)(B), "paragraph" was changed to "subsection."

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? _____

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

- 14) Are there any other Amendments Pending on this Part? Yes ☒ No ☐

If Yes:

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Section Numbers	Proposed Action	Ill. Reg. Citation
300.330	Amendments	14 Ill. Reg. 9957
300.1110	Amendments	14 Ill. Reg. 9957
300.3220	Amendments	14 Ill. Reg. 9957
300.3240	Amendments	14 Ill. Reg. 9957
300.3260	Amendments	14 Ill. Reg. 9957

15) Summary and Purpose of Rules:

These amendments are being adopted by the Department of Public Health to address several issues which have been encountered in the enforcement of the Department's licensing requirements for skilled nursing and intermediate care facilities. Related amendments to the rules governing the licensure of sheltered care facilities (77 Ill. Adm. Code 330), intermediate care facilities for persons with developmental disabilities (77 Ill. Adm. Code 350), and long-term care facilities for persons under age 22 (77 Ill. Adm. Code 390) are also being proposed.

Visual privacy in multi-bed rooms: The Department is replacing the term "bedside screens" with "privacy screens" in Section 300.2420(b)(1) to clarify the requirements for screens. Under this change, facilities must have privacy screens available for emergency use when resident privacy is needed. Section 300.2420(b)(2) is being amended to clarify the requirement for the installation of cubicle curtains and tracks in all new facilities. A provision which conflicts with the requirements of the preceding provision is being deleted from this provision. In addition, in Section 300.3060(a)(8), the term "design" is being replaced with the term "methods" to clarify the parallel requirements for visual privacy in existing facilities.

Dishes and utensils: Section 300.2420(f) is being amended to correct the reference to the requirement that facilities comply with the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750). The food service sanitation rules establish requirements for kitchen equipment, but do not contain requirements for dishes. Several provisions of Section 300.2110 are being deleted as unnecessary, since these requirements are contained in the food service sanitation rules.

Thermal hazards: Requirements for the protection of residents from thermal hazards are being added to Section 300.2920(d) for new facilities and to Section 300.3120(d) for existing facilities. These provisions will require facilities to install appropriate barriers to protect residents from surfaces which may exceed a temperature of 140 degrees Fahrenheit. Severe injuries to residents can result from such hazards.

Smoking and eating in laundry areas: An addition to Section 300.2230(a)(2)(A) will clearly prohibit the use of laundry areas for smoking or dining. This addition is needed to define the requirement

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for the sanitary maintenance and operation of the laundry area.

Storage in laundry areas: Section 300.2230(a)(1)(F) is being amended to allow the storage of supplies and equipment in laundry areas and in areas used for laundry storage and handling. Under the changes, such storage will be allowed as long as contamination of the supplies and equipment and contamination of the clean linens is avoided.

Return of residents' clothing: The Department is adding a specific requirement to Section 300.2230(c) to assure that residents' clothing is returned to them after laundering.

Hot water temperature: The addition of a clear statement of the meaning of the term "hot water" is being adopted in Sections 300.2930(c)(4) and 300.3130(c)(3). Specifically, the phrase "of at least 100 degrees Fahrenheit" is being added to these provisions.

Two-compartment sinks: Section 300.3130(b)(3) conflicts with the requirements of the Department's rules entitled "Food Service Sanitation Code" (77 Ill. Adm. Code 750), which require a three-compartment sink or a mechanical dishwasher. The Department is deleting this requirement to eliminate the conflict.

Non-slip tub and shower surfaces: In Sections 300.2930(b)(6) and 300.3130(b)(4), the term "provided" is being replaced by the term "designed." This change will assure that new tubs and showers which are installed are designed with non-slip surfaces. The current wording erroneously implies that a rubber mat or other non-slip surface can be used to meet this requirement.

Building maintenance for safety: The word "safe" is being added to Section 300.2210(b)(1) to more clearly express the purposes of the building maintenance requirements which are contained in this section. This addition is consistent with the use of the term "safe" in subsections (b)(2) through (b)(6) of this section.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.165	Criteria for Adverse License Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

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300.510 Administrator

SUBPART C: POLICIES

- 300.610 Resident Care Policies
- 300.620 Admission and Discharge Policies
- 300.630 Contract Between Resident and Facility
- 300.640 Residents' Advisory Council
- 300.650 Personnel Policies
- 300.655 Initial Health Evaluation for Employees
- 300.660 Nursing Assistants
- 300.665 Student Interns
- 300.670 Disaster Preparedness
- 300.680 Restraints and Safety Devices
- 300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

- 300.810 General
- 300.820 Categories of Personnel
- 300.830 Consultation Services
- 300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

- 300.1010 Medical Care Policies
- 300.1020 Communicable Disease Policies
- 300.1025 Tuberculin Skin Test Procedures
- 300.1030 Medical Emergencies
- 300.1040 Behavior Emergencies
- 300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

- 300.1210 General Requirements for Nursing and Personal Care
- 300.1220 Supervision of Nursing Services
- 300.1230 Staffing
- 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs

SUBPART H: MEDICATIONS

- 300.1610 Medication Policies and Procedures

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- 300.1620 Conformance With Physician's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Adequacy of Diet and Meal Pattern
- 300.2060 Therapeutic Diets
- 300.2070 Scheduling Meals
- 300.2080 Menu Planning
- 300.2090 Food Preparation and Service
- 300.2100 Food Handling Sanitation
- 300.2110 Kitchen Equipment, Utensils, and Supplies

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

- 300.2210 Maintenance
- 300.2220 Housekeeping
- 300.2230 Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

- 300.2410 Furnishings
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- 300.2430 Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

- 300.2610 Codes
- 300.2620 Water Supply
- 300.2630 Sewage Disposal
- 300.2640 Plumbing

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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

300.2810 Applicability of these Standards
300.2820 Codes and Standards
300.2830 Preparation of Drawings and Specifications
300.2840 Site
300.2850 Administration and Public Areas
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300.2870 Dining, Living, Activities Rooms
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300.2890 Service Departments
300.2900 General Building Requirements
300.2910 Structural
300.2920 Mechanical Systems
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SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

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300.3020 Codes and Standards
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Nursing Facilities/Intermediate Care Facilities

TABLE D Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4151-101 et seq.; as amended by Public Act 85-968, effective December 9, 1987; P.A. 85-1183, effective August 13, 1988; and P.A. 85-1378, effective September 1, 1988).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11531, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 11 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended by 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990.

NOTE: Italics and capitalization denote statutory language.

Section 300.2110 Kitchen Equipment, Utensils, and Supplies

The kitchen or dietary area shall be adequate to meet the food service needs. It shall have adequate equipment, utensils, and supplies to properly store, prepare, and serve the required number of meals in accordance with the Department's rules entitled "Food Service Sanitation" (77 Ill. Adm. Code 750). This shall include, but is not limited to, the following:--(B)

- a) Each kitchen and floor pantry, or subkitchen, in each building shall be equipped with facilities to--maintain required food temperatures

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during storage, preparation and service; provide protection of cooking equipment and utensils from contamination; and prepare the planned meals. New or replacement equipment shall be of satisfactory institutional type based on generally accepted standards.

- b) There shall be an adequate supply of food preparation equipment such as pots, pans, spoons, knives, and mixers, of the proper type to satisfactorily prepare the meals.
- e) There shall be proper equipment to maintain food temperatures during service to residents. This equipment may be in the form of heated food carts, insulated food containers, or suitable equivalent. (B)
- d) Each facility shall provide an adequate number of dishes, glassware, and silverware of a satisfactory type to serve all the residents in the facility at each meal.

(Source: Amended at 14 Ill. Reg. 14950, effective October 1, 1990)

SUBPART K; MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section 300.2210 Maintenance

- a) Every facility shall have an effective written plan for maintenance, including sufficient staff, appropriate equipment, and adequate supplies.
- b) Each facility shall: (B)
 - 1) Maintain the building in good repair, safe and free of the following: cracks in floors, walls, or ceilings; peeling wallpaper or paint; warped or loose boards; warped, broken, loose, or cracked floor covering, such as tile or linoleum; loose handrails or railings; loose or broken window panes; and any other similar hazards. (B)
 - 2) Maintain all electrical, signaling, mechanical, water supply, heating, fire protection, and sewage disposal systems in safe, clean and functioning condition. This shall include regular inspections of these systems. (A, B)
 - 3) Maintain all electrical cords and appliances in a safe and functioning condition. (B)
 - 4) Maintain the interior and exterior finishes of the building as needed to keep it attractive and clean and safe (painting, washing, and other types of maintenance).

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- 5) Maintain all furniture and furnishings in a clean, attractive, and safely repaired condition.
- 6) Maintain the grounds and other buildings on the grounds in a safe, sanitary and presentable condition. (B)
- 7) Maintain the grounds free from refuse, litter, insect and rodent breeding areas.
- 8) The building and grounds shall be kept free of any possible infestations of insects and rodents by eliminating sites of breeding and harborage inside and outside the building; eliminating sites of entry into the building with screens of not less than 16 mesh screen to the inch and repair of any breaks in construction. (B)
- 9) Maintain all plumbing fixtures and piping in good repair and properly functioning. (B)
- 10) Protect the potable water supply from contamination by providing and properly installing adequate, backflow protection devices or providing adequate air gaps on all fixtures that may be subject to backflow or back siphonage.

(Source: Amended at 14 Ill. Reg. 14950, effective October 1, 1990)

Section 300.2230 Laundry Services

- a) Every facility shall have an effective means of supplying an adequate amount of clean linen for operation, either through ~~the~~ an in-house laundry or a contract with an outside service.

- 1) An adequate supply of clean linen shall be defined as the three sets of sheets, draw sheets, and pillow cases, ~~etc.~~ required to provide for the residents' needs. Additional changes of linen may be required in consideration of the time involved for laundering and transporting soiled linens.

- 2) If an in-house laundry service is provided then the following conditions shall exist:

- A) The laundry area shall be maintained and operated in a clean, safe and sanitary manner. No part of the laundry shall be used as a smoking or dining area.
- B) Written operating procedures shall be developed, posted and implemented which provide for the handling, transport and storage of clean and soiled linens.

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- C) Laundry personnel must be in good health and practice good personal grooming. Employees must thoroughly wash their hands and exposed portions of their arms with soap and warm water before starting work, during work as often as necessary to keep them clean and after smoking, eating, drinking, using the toilet and handling soiled linens.
- D) Clean linen shall be protected from contamination during handling, transport and storage.
- E) Soiled linen shall be handled, transported and stored in a manner that protects facility residents and personnel.
- F) If the laundry and its accessory storage and handling areas shall not be used as a storage area for supplies and equipment not directly connected with the operation of the laundry are stored in the laundry or its accessory storage and handling areas, they shall be protected from contamination by the soiled linens and shall not contribute to contamination of the clean linens.
- b) If an outside laundry service is used it shall comply with the requirements of in-house laundries and, in addition, shall provide for protection of clean linens during transport back to the facility.
- c) If the facility provides laundry service for residents' personal clothing it must be handled, transported and stored in a manner that will not allow contamination of clean linen or allow contamination by soiled linen. The facility shall assure that the personal clothing of each resident is returned to that individual resident after laundering.

(Source: Amended at 14 Ill. Reg. 14950, effective October 1, 1990)

Section 300.2420 Equipment and Supplies

a) Equipment

- 1) The facility shall have a supply of thermometers, emesis basins, ice bags, hot water bottles or equivalent, bedpans, urinals, and sets of enema equipment, sufficient to meet the needs of its residents. (B)
- 2) If the facility has residents who need the services of a suction machine, a sufficient quantity of such machines shall be provided to meet the needs of all such residents. (B)

b) Privacy Bedside Screens and Cubicle Curtains

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- 1) There shall be at least one privacy bedside screen available in the facility for emergency use when resident privacy is needed. ~~each 50 beds or major fraction thereof in multiple bed rooms to provide residents with privacy when needed.~~
- 2) There shall be cubicle curtains and tracks installed to provide visual privacy to each resident ~~bed in multiple bed rooms. If cubicle curtains are not provided, an adequate supply of bedside screens shall be provided for the same purpose.~~
- 3) There shall be a sufficient supply of clean linen and bedding in good condition to provide proper care and comfort to the residents. (B)
- 4) There shall be a first-aid kit or emergency box in every facility. This shall contain bandages, sterile gauze dressing, bandage scissors, tape, sling, burn ointment, and other equipment deemed necessary by the advisory physician or the medical advisory committee.
- 5) Activity program supplies shall be provided to maintain an ongoing program to meet the varied interests and needs of the residents. These shall include, but are not limited to, games, craft supplies, current magazines, books, radio, television, and record player. A piano or organ is recommended as an important adjunct to the activity program equipment.
- 6) ~~Dishes and~~ Kitchen equipment shall be provided as set forth in Section 300.2100.
- 7) Cleaning equipment and supplies shall be provided as set forth in Sections 300.2210 through 300.2220.
- 8) Each resident shall have a satisfactory nurse call device. (See Sections 300.2940(g) and 300.3140(e).)
- 9) There shall be special equipment, implements, or utensils provided to residents as needed to assist them when eating. (B)
- 10) There shall be a sufficient quantity of resident care equipment of satisfactory design and in good condition to carry out established resident care procedures. This shall include at a minimum the following: wheelchairs with brakes, walkers, metal bedside rails, bedpans, urinals, emesis basins, wash basins, footstools, metal commodes, over the lap tables, foot cradles, footboards, under the mattress bed boards, trapeze frames, transfer boards, parallel bars, and reciprocal pulleys.

(Source: Amended at 14 Ill. Reg. 14950, effective October 1, 1990)

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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section 300.2920 Mechanical Systems

a) General Requirements

- 1) Mechanical systems shall be tested, balanced, and operated to demonstrate that the installation and performance of these systems conform to the requirements of these standards.
 - 2) Upon the completion of the contract, the owner shall be furnished with a complete set of manufacturer's operating and preventative maintenance instructions, parts list with numbers and descriptions for each piece of equipment and a copy of the air-balance report. A complete set of these documents shall be kept on the premises.
 - 3) The owner shall be provided with instructions in the operational use of the systems and equipment as required.
- b) Thermal and Acoustical Insulation
- 1) Insulation shall be provided for the following:
 - 2) Boilers, smoke breeching, and stacks.
 - 3) Steam supply and condensate return piping. (B)
 - 4) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
 - 5) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents. (B)
 - 6) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
 - 7) Water supply and drainage piping on which condensate may occur.
 - 8) Air ducts and casings with outside surface temperatures below ambient dew point.
 - 9) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
 - 10) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation

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is not necessary for preventing excessive system heat loss or excessive heat gain.

- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with American Society Testing Materials Standard E84. (B)
Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building, or do not penetrate a wall or roof or do not create an exposure hazard.

- 12) Access for filter changing shall be provided within equipment rooms.

- c) Steam and Hot Water Systems. Supply and return mains and risers for cooling, heating and process steam systems shall be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.

- d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

ed) Heating, Cooling, and Ventilating Systems

- 1) A design temperature of 75 degrees Fahrenheit for both summer and winter design conditions shall be provided for all resident use areas including corridors.
- 2) All ventilation supply, return and exhaust systems shall be mechanically operated.
- 3) Outdoor air intakes shall be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems shall be located as high as practical but not less than six feet above ground level, or if installed above the roof, three feet above roof level.
- 4) The ventilation systems shall be designed and balanced to

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provide the pressure relationships and ventilation rates as shown in Table B. (B)

- 5) A manometer shall be installed across each filter bed serving central air systems.
- 6) Air conditioning and ventilation systems shall be designed, installed and maintained as required by National Fire Protection Association Standard 90A. (A, B)
- 7) The hood and duct system for cooking equipment used in processes producing smoke or grease-laden vapors shall be in conformance with National Fire Protection Association Standard 96. That portion of the fire extinguishment system required for protection of the duct system may be omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratories. (A, B)
- 8) The ventilation of the medical gas storage room shall conform to the requirements of National Fire Protection Association Standard 56A "Inhalation Anesthetics" including the gravity option system. (B)
- 9) Boiler rooms and other rooms having combustion equipment shall be provided with sufficient outdoor air to maintain combustion rates of equipment and limit temperatures to 97 degrees Fahrenheit. Effective Temperature as defined by American Society Heating Refrigeration Engineers Handbook of Fundamentals. (A, B)
- 10) Rooms containing heat producing equipment, such as boiler rooms, heater rooms, food preparation centers, laundries, and sterilizer rooms shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of 10 degrees Fahrenheit above the ambient temperature. The ventilation rates shown in Table B shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates.

(Source: Amended at 14 Ill. Reg. 14950, effective October 1, 1990)

Section 300.2930 Plumbing Systems

- a) General Requirements. All plumbing systems shall be designed and installed in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890) except that the number of resident required water closets, lavatories, bathtubs, showers, and

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other fixtures shall be as required by this Part and the facility program. (B)

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials.
- 2) The water supply spout for lavatories and sinks required for filling pitchers for nursing staff and food handlers' handwashing, shall be mounted so that its discharge point is a minimum distance of five inches above the rim of the fixture. (B)
- 3) Handwashing lavatories used by nursing staff and food handlers shall be trimmed with valves which can be operated without the use of hands. When blade handles are used for this purpose, the blade handles shall not exceed four and one half inches in length, except the handles on clinical sinks shall not be less than six inches in length.
- 4) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.
- 5) The potwashing sink shall be a three compartment sink with one compartment at least 14 inches deep.
- 6) Shower bases and tub bottoms shall be designed provided with nonslip surfaces. (B)

c) Water Supply Systems

- 1) Water supply systems shall be designed to supply water at sufficient pressure and volume to operate all fixtures and equipment during maximum demand periods.
- 2) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.
- 3) Flush valves installed on plumbing fixtures shall be of a quiet operating type, equipped with silencers.
- 4) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. (B)

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- 5) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- 6) Each hot water system serving resident areas shall include at least one of the following equipment requirements to insure that the water temperature does not exceed 110 degrees Fahrenheit:
 - A) A thermostatically controlled mixing valve, or
 - B) An aquastat which limits the water temperature in the water heater to a maximum temperature of 110 degrees Fahrenheit and a solenoid operated shut off valve activated by a sensing element in the water line which shuts off the water and activates an alarm at the nurses station when the water temperature exceeds 110 degrees Fahrenheit. (A, B)
- d) Hot Water Heaters and Tanks
 - 1) Capacity and Temperature Requirements
 - A) The hot water heating equipment shall have sufficient capacity to supply water at the temperature and quantities in the following areas:

	Resident Service	Dietary	Laundry
gallons/hour/bed	6 1/2	4	4 1/2
Temperature (degrees Fahrenheit)	110	140*	180

- *180 degree Fahrenheit water required at dishwasher and pot and pan sink.
- B) Water temperatures to be taken at the point of use or discharge of the hot water or inlet to processing equipment.
- 2) Water storage tanks shall be fabricated of corrosion resistant metal or lined with noncorrosive material.
- e) Drainage Systems. Insofar as possible drainage piping shall not be installed above the ceiling nor installed in an exposed location in food preparation centers, food serving facilities, food storage areas, and other critical areas. Special precautions shall be taken to protect these areas from possible leakage or condensation from necessary overhead piping systems. (B)
- f) Nonflammable Gas Systems. Nonflammable medical gas systems if

installed shall be in accordance with the requirements of National Fire Protection Association Standards 56A and 56F. (B)

- g) Clinical Vacuum (Suction) Systems. Clinical vacuum systems if installed shall be in accordance with the requirements of the Compressed Gas Association Pamphlet P-2.1. (B)

h) Fire Extinguishing Systems

- 1) A complete automatic sprinkler system shall be installed throughout all facilities regardless of construction type. (A, B)
- 2) All sprinkler and other fire extinguishing systems shall be designed and installed in accordance with National Fire Protection Association Standard 101 and referenced codes. (A, B)
- 3) All sprinkler systems shall be maintained in accordance with National Fire Protection Association Standard 13A. (A, B)

(Source: Amended at 14 Ill. Reg. 14950, effective October 1, 1990)

SUBPART 0: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section 300.3060 Nursing Unit

a) General Requirements for Bedrooms

- 1) Resident bedrooms shall have an entrance directly off of a corridor with an entrance door that swings into the room. Rooms used as bedrooms and included in the licensed capacity as of December 24, 1987, which do not open directly into corridors but instead open into large living/dining/activity areas, are exempt from this subsection (a)(1). However, no additional such rooms will be permitted to be established after December 24, 1987.

- 2) Resident bedrooms shall have adequate and satisfactory artificial light and be equipped in accordance with Section 300.3140(c).

- 3) Resident toilet rooms shall open directly into a corridor or into a resident's bedroom. (B)

- 4) A closet or wardrobe at least four square feet shall be provided for each resident.

- 5) No bedroom floor shall be more than three feet below the

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adjacent ground level.

- 6) Each room used as a resident bedroom shall have at least one outside window, and a total window area to the outside equal to at least one-tenth the floor area of the room.
- 7) Nurses' call system shall be provided in accordance with Section 300.3140(e). (B)
- 8) Visual privacy shall be provided for each resident in multi-bed rooms. Methods Design for privacy shall not restrict resident access to entry, lavatory, or toilet.

b) Resident Bedroom

- 1) Single resident bedrooms shall contain at least 100 square feet. Multiple resident bedrooms shall contain at least 80 square feet per bed. Multiple bedrooms of not less than 70 square feet per bed may be approved by the Department if services can be provided. Minimum usable floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways. Those bedrooms for which facilities had waivers to this subsection (b)(1) on (and continuously since) December 24, 1987, and which have at least 90 square feet for single bedrooms and 70 square feet per bed for multi-bedrooms, are exempt from this subsection (b)(1). Those bedrooms for which facilities had waivers to this subsection (b)(1) on (and continuously since) December 24, 1987, but which have less than 90 square feet for single bedrooms and 70 square feet per bed for multi-bedrooms, continue to be subject to waiver procedures on an annual basis (See Section 300.320).

- 2) Maximum room capacity shall be four residents. Beds shall be at least three feet apart, and no more than three beds deep from an outside wall. There shall be a minimum of ten feet between walls or a wall and any built in furniture or storage space.

c) Special Care Room

- 1) In Intermediate Care Facilities, provide a special care room for each 150 beds. In Skilled Nursing Facilities, provide a special care room for each 50 beds or portion thereof.
- 2) Provide this room with a water closet, lavatory and all other necessary facilities to meet the resident's needs and as required to care for an ill resident.

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- 3) This room shall be located to provide proper and efficient supervision of the resident by the nursing staff.
- 4) This room shall be included in the authorized maximum bed capacity for the facility.
- 5) It is permissible for the room to be occupied by a resident, not in need of special care, provided the resident is clearly informed and understands he will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care.

d) Nurses' Station

- 1) Provide a minimum of one nurses' station on each floor in skilled nursing facilities there shall be a station for each nursing unit). The station shall have direct access to a corridor, shall be located near the area it will serve, and shall be designed to provide visual control of the area. It shall be separated satisfactorily from the nurses' utility rooms. In Intermediate Care Facilities one nurses' station serving two floors housing residents is acceptable if there are less than 15 beds on an adjacent station. (B)

- 2) At least one nurses' station shall have a medicine sink with hot and cold running water, a work counter, a medicine cabinet, and necessary equipment and furnishings (in skilled nursing facilities each nurses' stations shall be so equipped).

- 3) Provide a nurses' toilet and handwashing sink convenient to the nurses' station.

e) Bath and Toilet Rooms

- 1) The maximum capacity of resident beds on each floor shall be used to determine the number of fixtures required even though some of the beds may not be occupied.

- A) Provide a minimum of one water closet, one lavatory, and one bathtub or shower for each sex on each floor occupied by residents.
- B) Provide a minimum of one lavatory and one water closet for each ten resident beds on each floor.
- C) Provide a minimum of one bathtub or shower for each 15 resident beds on each floor.

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- D) Each lavatory shall be provided with a well-illuminated mirror.

- 2) All bath and toilet rooms shall be easily accessible, and conveniently located. Group bath and toilet facilities shall be partitioned or curtained for privacy.

- 3) All showers, other than those for residents needing assistance in bathing, shall have minimum dimensions of three feet by three feet.

- 4) If toilet rooms provided adjacent to residents' bedrooms are not large enough to permit use by wheelchair residents, at least one toilet room or enclosure measuring five feet by six feet shall be provided on each floor housing residents (in Skilled Nursing Facilities there shall be one for each sex on each floor). Provide a lavatory usable by wheelchair residents in this room.

- 5) Provide on each floor at least one bathing facility or enclosure of not less than eight feet six inches by eight feet six inches with an acceptable system for assistance in bathing persons with physical disabilities. If a shower is installed instead of a bathtub, such shower shall have a minimum dimension of four feet wide by three feet six inches deep. These showers shall have a water inlet to which is connected a flexible hose with spray or shower head attached to the end of the hose. If desired, a conventional shower head installation may also be provided but it must be valved off from the lower water inlet.

f) Utility Rooms

- 1) Every facility shall have clean and soiled utility functions in separate rooms. There shall be at least one each of these rooms in the facility (in Skilled Nursing Facilities there shall be at least one each of these rooms on each floor having resident bedrooms).

2) Clean Utility Room

- A) The clean utility room shall be large enough to contain:

- i) a work counter or table;
- ii) a sink with drainboard;
- iii) ample storage cabinets for clean and sterile supplies and equipment; and

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- iv) an autoclave, if required, for sterilizing needles, syringes, catheters, dressings, and similar items.
- B) The autoclave may be located in the nurses' station area. The autoclave may be waived in lieu of other methods of sterilization approved by the Department.

3) Soiled Utility Room

A) The soiled utility room shall be large enough to contain:

- i) a two compartment sink with drainboards;
 - ii) ample storage cabinets;
 - iii) a clinical rim flush sink for: rinsing bed pans, urinals, and linen soiled by solid materials, and similar type procedures; and
 - iv) equipment and facilities for sanitizing bed pans, emesis basins, urine bottles, and other utensils, which meet accepted methods and procedures for such sanitation.
- B) Based upon approval of the program narrative, the Department will consider a waiver of this subsection paragraph for Intermediate Care Facilities.

(Source: Amended at 14 Ill. Reg. 14950, effective October 1, 1990)

Section 300.3120 Mechanical Systems

- a) Mechanical systems shall be maintained to assure proper working order and safe operation. Instructions in the operational use of the systems and equipment must be available at the facility. (B)
- b) Thermal and Acoustical Insulation. It is recommended that insulation be provided for the following:
 - 1) Boilers, smoke breeching, and stacks.
 - 2) Steam supply and condensate return piping.
 - 3) Hot water piping above 180 degrees Fahrenheit and all hot water heaters, generators, and converters.
 - 4) Hot water piping above 125 degrees Fahrenheit which is exposed to contact by residents.

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- 5) Chilled water, refrigerant, other process piping and equipment operating with fluid temperatures below ambient dew point.
- 6) Water supply and drainage piping on which condensation may occur.
- 7) Air ducts and casings with outside surface temperature below ambient dew point.
- 8) Other piping, ducts, and equipment as necessary to maintain the efficiency of the system.
- 9) Insulation may be omitted from hot water and steam condensate piping not subject to contact by residents when such insulation is not necessary for preventing excessive systems heat loss or excessive heat gain.
- 10) Insulation on cold surfaces shall include an exterior vapor barrier.
- 11) Insulation including finishes and adhesives on exterior surfaces of ducts, pipes, and equipment shall have a flame spread rating of 25 or less and a smoke developed rating of 150 or less as determined by an independent testing laboratory in accordance with ASTM Standard E 84. Exception: Duct, pipe and equipment coverings shall not be required to meet these requirements where they are located entirely outside of a building or do not penetrate a wall or roof or do not create an exposure hazard.

c) Steam and Hot Water Systems. It is recommended that supply and return mains and risers for cooling, heating and process steam systems be valved to isolate the various sections of each system. Each piece of equipment shall be valved at the supply and return ends.

d) Thermal Hazards. Any surface exceeding a temperature of 140 degrees Fahrenheit (such as radiators, hot water or steam pipes, baseboard heaters, or therapy equipment) that is accessible to residents shall be provided with partitions, screens, shields, or other means to protect residents from injury. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

ed) Heating, Cooling, and Ventilating Systems

- 1) The heating system shall be capable of maintaining a temperature of 75 degrees Fahrenheit in all resident use spaces.
- 2) Auxiliary gas or electric space heaters of an approved closed type may be installed in areas requiring more heat than is

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

produced by the central heating system. Heaters or furnaces of a type to be installed under, in, or on the floor are not permitted permitted. (A)

- 3) All ventilation supply return and exhaust systems shall be mechanically operated.
- 4) The kitchen shall be provided with ventilation for reasonable comfort and with sufficient make-up air for the rangehood exhaust. (B)
- 5) The laundry shall be provided with ventilation for reasonable comfort with air flowing from clean areas to soiled areas with exhaust to the outdoors. (B)
- 6) It is recommended that outdoor air intakes be located as far as practical but not less than 15 feet from the exhaust outlets of ventilation systems, combustion equipment stacks, plumbing vent stacks, or from areas which may collect vehicular exhaust and other noxious fumes. The bottom of outdoor air intakes serving central systems should be located as high as practical but not less than six feet above ground level, or if installed above the roof, three feet above roof level.
- 7) Air conditioning and ventilating systems shall be maintained to conform to the requirements of NFPA 90A. (A, B)
- 8) The hood and duct system for cooking equipment shall be in conformance with NFPA 96. That portion of the fire extinguishment system required for protection of the duct system maybe omitted when all cooking equipment is served by a grease extractor listed by Underwriter's Laboratory or other independent testing laboratory. (A, B)
- 9) Boiler rooms and other rooms housing combustion equipment shall be provided with sufficient outdoor air to maintain proper combustion rates. (A, B)
- 10) A capability shall be provided to maintain a temperature of at least 55 degrees Fahrenheit for at least 12 hours when the normal source of electrical power is interrupted. (A, B)

(Source: Amended at 14 Ill. Reg. 14950, effective October 1, 1990)

Section 300.3130 Plumbing Systems

a) General Plumbing Requirements

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- 1) All plumbing systems shall be designed and installed in accordance with the requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890) except that the number of water closets, lavatories, bath tubs, showers and other fixtures shall be as required by these Requirements and the facility program. (B)
- 2) New and replacement equipment, fixtures and fittings for mechanical, plumbing and electrical systems shall conform to and be installed in accordance with Subpart N of these standards.

b) Plumbing Fixtures

- 1) Plumbing fixtures shall be of non-absorptive acid-resistant materials and shall be kept in good repair.
- 2) Clinical rim flush sinks shall have an integral trap in which the upper portion of the trap seal provides a visible water surface.
- 3) ~~The kitchen shall be equipped with a two-compartment sink for washing pots and pans. One compartment shall contain no less than 14 inches depth of 170 degrees Fahrenheit water. A commercial-type dishwasher is recommended.~~
- 34) When existing showers or tubs are replaced or additional showers or tubs provided, the shower bases and tub bottoms shall be designed provided with nonslip surfaces.

c) Water Supply Systems

- 1) Water supply systems shall be designed to supply potable water at sufficient pressure and volume to operate all plumbing fixtures and equipment during maximum demand periods.
- 2) It is recommended that each water service main, branch main, riser and branch to a group of fixtures be valved. Stop valves should be provided at each fixture.
- 3) Hot water distribution systems shall be arranged to provide hot water of at least 100 degrees Fahrenheit at each hot water outlet at all times. ~~(B)~~
- 4) Hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)
- 5) Protective measures, such as but not limited to, installation of a mixing valve, limited access to controls, and checking water

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temperatures daily at various points, shall be implemented to insure that the temperature of hot water available to residents at shower, bathing and handwashing facilities shall not exceed 110 degrees Fahrenheit. (A, B)

- d) Hot Water Heaters and Tanks. Water storage tanks shall be fabricated of corrosion resistant metal or lined with noncorrosive material.
- e) Drainage Systems. Special precautions shall be taken to protect food preparation, serving or storage areas from possible leakage or condensation from necessary overhead piping systems. (B)
- f) Fire Extinguishment Systems. All fire extinguishment systems shall be designed and installed in accordance with NFPA 101 and NFPA 13. All fire extinguishment systems shall be maintained in accordance with NFPA 13A. (A, B)

(Source: Amended at 14 Ill. Reg. 14950, effective October 1, 1990)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Over/Under Rules
- 2) Code Citation 11 Ill. Adm. Code 419
- 3) Section Number: Adopted Action:
 419.10 New Section
 419.20 New Section
 419.30 New Section
 419.40 New Section
 419.50 New Section
 419.60 New Section
 419.70 New Section
 419.80 New Section
 419.90 New Section
 419.100 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 8, par 37-9(b)
- 5) Effective Date of Rule: September 4, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: September 4, 1990
- 9) Notice of Proposal Published in Illinois Register: May 18, 1990 - 14 Ill. Reg. 7406
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.
- 11) Differences between proposal and final version: Section 419.40 - line 5 "will" was changed to "shall". Section 419.70 - line 2 "may" was changed to "shall".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: This rulemaking establishes the criteria that will be followed in the Over/Under wagering pool. It sets forth guidelines to ensure a uniform system which can be followed in all instances for this type of race.

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16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 419

OVER/UNDER RULES

Section	Over/Under Wager
419.10	Determination and Publication of Over/Under Number
419.20	Pool Calculations
419.30	Dead Heat
419.40	Name and Notice
419.50	Sale of Tickets
419.60	Scratches
419.70	Cancellation of Races
419.80	Limitation on Multiple Wagers Does Not Apply
419.90	Minimum Wager Accepted
419.100	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 14 Ill. Reg. 14978, effective September 4, 1990.

Section 419.10 Over/Under Wager

All Over/Under wagers combine the total of the program numbers of the official first, second and third place finishers in each of the three designated races on a single race program. If all three selections are correct the ticket shall be considered a winner. All Over/Under wagers shall be calculated in a pool entirely separate from all other wagering pools.

Section 419.20 Determination and Publication of Over/Under Number

- The Race Secretary shall establish a number which best represents a middle so as to split the over/under monies as close as possible in half.
- An organization licensee shall cause to be published in the Official Daily program, in a prominent place, this number, which in all cases shall be 1/2 so as to eliminate any draws, ties, or pushes. (Example: 11-1/2 or 12-1/2, but in no instance 11 or 12).

Section 419.30 Pool Calculations

The Over/Under pari-mutuel pools shall be calculated as follows:

- Winner pool: The net amount in each pool shall be distributed equally to the holders of pari-mutuel tickets which correctly designate the

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most winning Over/Under combinations.

- b) In the event that there are less than three finishers in any one race, both "over" and "under" in that race shall be considered winners.

Section 419.40 Dead Beats

If a dead heat results in more than (three) horses paying "show" prices, that "leg" of the bet will have more than one total number. If all combinations of these numbers are "over" then the leg is "over". If all combinations of these numbers are "under", then the leg is "under". If at least one total number is "over" and another is "under" then the leg shall be considered "over" and "under".

Section 419.50 Name and Notice

The organization licensee may give a different name to the Over/Under form of wagering but shall notify the Board of such choice of names. Each of the Over/Under races shall be clearly marked to indicate the type of wager.

Section 419.60 Sale of Tickets

No Over/Under ticket shall be sold, exchanged or cancelled after the close of wagering on the first Over/Under race.

Section 419.70 Scratches

If, prior to the start of the first of the three races designated for an Over/Under pool, a horse is scratched, a patron's ticket shall be cancelled or exchanged by the purchaser. However, in no instance shall a cancellation or exchange be permitted after the start of the first race which comprises the Over/Under wagering pool.

Section 419.80 Cancellation of Races

- a) Two or more: If the stewards cancel or declare as no contest two or more of the Over/Under races, all Over/Under tickets for that pool shall be refunded and the Over/Under cancelled.
- b) If one of the Over/Under races is cancelled or declared as no contest, both over and under in that race shall be considered winners.

Section 419.90 Limitation on Multiple Wagers Does Not Apply

The provision of 11 Ill. Adm. Code 405.170 which limits the number of multiple wagering races shall not prevent an organization licensee from implementing the Over/Under.

Section 419.100 Minimum wager Accepted

The minimum wager for the Over/Under shall not be less than \$10.00.

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NOTICE OF ADOPTED RULES

1) The Heading of the Part: Supertrifecta Rules**2) Code Citation 11 Ill. Adm. Code 421**

3) Section Number:	Adopted Action:
421.10	New Section
421.20	New Section
421.30	New Section
421.40	New Section
421.50	New Section
421.60	New Section
421.70	New Section
421.80	New Section
421.90	New Section

4) Statutory Authority: 11l. Rev. Stat. 1989, ch. 8, par 37-9(b)**5) Effective Date of Rule: September 4, 1990****6) Does this rulemaking contain an automatic repeal date? No****7) Does this amendment contain incorporation by reference? No.****8) Date filed in Agency's Principal Office: September 4, 1990****9) Notice of Proposal Published in Illinois Register: 14 Ill. Reg. 7411 - May 18, 1990.****10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No.**

11) Differences between proposal and final version: Section 421.20 - line 1 "(11 Ill. Amd. Code 409)" was added after "trifecta". 421.30 - line 2 "(11l. Rev. Stat. 1989, ch. 8, par. 37-9(b))" was added after "law". 421.50(b) - line 4 "(e.g., extenuating circumstances forcing the cancellation of races)" was added after "Director".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.**13) Will these amendments replace emergency amendments currently in effect? No.****14) Are there any other proposed amendments pending in this Part? No.**

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15) Summary and purpose of rules: This rulemaking establishes the criteria that will be followed in the Supertrifecta wagering pool. It sets forth guidelines to be followed in all instances for this type of wager.

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 421

SUPERTRIFECTA RULES

Section	
421.10	Supertrifecta Wager
421.20	Trifecta Rules Shall Apply
421.30	Pool Calculations
421.40	Distribution of Daily Net Pool
421.50	Carryover Pool
421.60	Minimum Field
421.70	Scratches
421.80	Cancellation of Races
421.90	Dead Heats

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 14 Ill. Reg. 14982, effective September 4, 1990.

Section 421.10 Supertrifecta Wager

A Supertrifecta wager requires the selection of the first three finishers in exact order in one designated race, and the first four finishers in exact order in a second designated race. The Supertrifecta pool shall be calculated in a pool entirely separate from all other wagering pools.

Section 421.20 Trifecta Rules Shall Apply

Unless expressly noted herein, all rules related to trifecta (11 Ill. Adm. Code 409) wagering shall apply to the Supertrifecta wager.

Section 421.30 Pool Calculations

Commissions shall be deducted from the daily Supertrifecta pool in accordance with state law (Ill. Rev. Stat. 1989, ch. 8, par. 37-9(b)) for wagers involving three or more betting interests. The balance of the pool, following commission deductions, shall be known as the daily net supertrifecta pool.

Section 421.40 Distribution of Daily Net Pool

- a) Fifty per cent (50%) of the daily net pool, excluding any carryover pool, shall be distributed to holders of tickets which correctly select the first three finishers of the first Supertrifecta race.

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- b) Fifty per cent (50%) of the daily net pool, plus any carryover pool, shall be distributed to holders of tickets which correctly designate both the first three finishers of the first Supertrifecta race and the first four finishers of the second Supertrifecta race.
- c) If no tickets are sold which correctly select the finishers of both Supertrifecta races, fifty per cent (50%) of the daily net pool shall be carried over to the next race program and combined with the net Supertrifecta pool for said program and added to any accumulated carryover pool.
- d) Fifty per cent (50%) of the daily net pool shall be carried over in this fashion each program until at least one ticket is sold which correctly selects the finishers of both races of the Supertrifecta or until a mandatory distribution is ordered.

Section 421.50 Carryover Pool

- a) The Supertrifecta carryover pool may be transferred from one racing meet to another if it is the same breed of racing at the same racetrack and provided that there is a time period of not more than ten days from the close of one organization's meet to the start of the next organization's meet.
- b) A mandatory distribution of the carryover pool shall occur on the last day of the organization's meet, unless the organization elects to continue the carryover pool pursuant to the above paragraph, or upon order of the Executive Director (e.g. extenuating circumstances forcing the cancellation of races). In the event a mandatory distribution occurs and no ticket is sold which correctly selects both races of the Supertrifecta, the winner of the carryover pool shall be the holders of tickets which correctly select the most consecutive finishers in the winning combination starting with the winner of the first Supertrifecta race.

Section 421.60 Minimum Field

The second race of the Supertrifecta shall have at least nine betting interests, except in the event of a late scratch, in which case the Supertrifecta shall be permitted if eight betting interests start.

Section 421.70 Scratches

- a) If a runner is scratched from either race of the Supertrifecta prior to the start of the first Supertrifecta race, then all tickets sold on the scratched runner shall be refunded.
- b) If a runner is scratched in the second Supertrifecta race after the running of the first Supertrifecta race, then holders of the tickets correctly selecting the first three finishers of the first race shall share in fifty per cent (50%) of the daily net pool, excluding any carryover pool, and shall receive a refund for those tickets which include scratched runner in the second Supertrifecta race.

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Section 421.80 Cancellation of Races

In the event that racing is cancelled for any reason prior to the running of the first Supertrifecta race, one hundred per cent (100%) of the daily net pool shall be distributed to holders of tickets correctly selecting the first three finishers of the first Supertrifecta race. The carry over pool shall remain undistributed and shall be added to the next Supertrifecta.

Section 421.90 Dead Heats

In the event of a dead heat in either the first or second Supertrifecta race, all Supertrifecta tickets with the correct order of finish, counting any runner in a dead heat as finishing in any position dead-heated, shall be a winning ticket and, contrary to usual practice, the aggregated number of winning tickets shall be divided into the net pool and be paid the same pay-off price.

DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

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Division of Developmental Disabilities
Address: 405 Stratton Building
401 South Spring Street
Springfield, IL 62765
Telephone: (217)782-7393

The full text of the emergency rules begins on the next page:

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF EMERGENCY RULES

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 117

FAMILY ASSISTANCE AND HOME-BASED
SUPPORT PROGRAMS FOR PERSONS WITH MENTAL DISABILITIES

SUBPART A: GENERAL PROVISIONS

Section	Purpose
117.100 EMERGENCY	Incorporation by reference
117.110 EMERGENCY	Principles
117.115 EMERGENCY	Definitions
117.120 EMERGENCY	Individuals' records and informed consent
117.125 EMERGENCY	Outreach plan
117.130 EMERGENCY	Preliminary application process
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SUBPART B: HOME-BASED SUPPORT SERVICES PROGRAM

117.200 EMERGENCY	Eligibility criteria
117.205 EMERGENCY	Notice of eligibility and service authorization
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117.215 EMERGENCY	Services and funding provisions
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117.235 Service monitoring

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117.240 Service termination

EMERGENCY

SUBPART C: FAMILY ASSISTANCE PROGRAM

Eligibility criteria

EMERGENCY

117.305 Eligibility determination process

EMERGENCY

117.310 Notice of eligibility or ineligibility

EMERGENCY

117.315 Right to appeal

EMERGENCY

117.320 Services and funding provisions

EMERGENCY

117.325 Service facilitation services

EMERGENCY

117.330 Stipend termination

EMERGENCY

117.335 Right to investigate suspected fraud

EMERGENCY

117.340 Denial of other services

EMERGENCY

117.345 Maximizing the use of other agency services

EMERGENCY

117.350 Out-of-home placement

EMERGENCY

117. Appendix A Application forms

EMERGENCY

Illustration A DMHDD-1235, Home-Based Support Services Program Application

Illustration B DMHDD-1236, Family Assistance Program Application

117. Appendix B Eligibility determination forms

EMERGENCY

Illustration A DMHDD-1237.1, Eligibility Determination - Primary Examiners - Adults with a Severe Mental Illness

Illustration B DMHDD-1237.2, Eligibility Determination - Primary Examiners - Children with Severe Emotional Disturbance

Illustration C DMHDD-1237.3, Eligibility Determination - Primary Examiners - Children and Adults with Severe Autism

Illustration D DMHDD-1237.4, Eligibility Determination - Primary Examiners - Children and Adults with Severe or Profound Mental Retardation

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Illustration E

DMHDD-1237.5, Eligibility Determination - Primary Examiners - Children and Adults with Severe and Multiple Impairments

AUTHORITY: Implementing the Home-Based Support Services Law for Mentally Disabled Adults (Ill. Rev. Stat. 1989, ch. 91½, par. 1802-1 et seq.) and the Family Assistance Law for Mentally Disabled Children (Ill. Rev. Stat. 1989, ch. 91½, par. 1803-1 et seq.) and authorized by Section 2-16 of the Home-Based Support Services Law for Mentally Disabled Adults (Ill. Rev. Stat. 1989, ch. 91½, par. 1802-16), Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 5-104) and Section 100-5 of "AN ACT codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" (Ill. Rev. Stat. 1989, ch. 91½, par. 100-5).

SOURCE: Adopted at 14 Ill. Reg. 14987, effective September 4, 1990.

NOTE: Bold-face type denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 117.100 Purpose

EMERGENCY

a) The purpose of the Home-Based Support Services Law for Mentally Disabled Adults (Ill. Rev. Stat. 1989, ch. 91½, par. 1802-1 et seq.) is to authorize the Department to encourage, develop, sponsor and fund home-based and community-based services for adults who are mentally disabled in order to provide alternatives to institutionalization and to permit them to remain in their own homes (Section 2-2 of the Home-Based Support Services Law).

b) The purpose of the Family Assistance Law for Mentally Disabled Children (Ill. Rev. Stat. 1989, ch. 91½, par. 1803-1 et seq.) is to create a mandate for the Department to strengthen and promote families who provide care within the family home for children whose level of mental illness or developmental disability constitutes a risk of out-of-home placement. It is intended to strengthen, promote and empower families to determine the most appropriate use of resources to address the unique and changing needs of those families' mentally disabled children (Section 3-2 of the Family Assistance Law).

Section 117.110 Incorporation by reference

EMERGENCY

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Any rules of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

**Section 117.115 Principles
EMERGENCY**

- a) Individuals and their families or legal guardians shall select the needed supports and services.
- b) Individuals shall live in homes of their choosing in communities with or near family and friends and other individuals who are important to them.
- c) Services shall be designed as described in Subparts B and C and provided to enhance the individual's existing natural social support network of family, friends, and acquaintances within the larger community of persons without disabilities, as well as social contacts among peers and paid caregivers.
- d) Individuals and their families or legal guardians shall be permitted to experience decision-making and risk in order to enhance personal growth.
- e) Individuals shall not be obligated to participate in a particular training program or activity because it is part of the program structure or for the convenience of staff.
- f) The type, intensity and source of support services shall vary according to the individual's needs, other supports available and personal preferences, shall promote community integration, independence and self-sufficiency, and shall change as the individual's needs and preferences change.
- g) Training and assistance shall be provided to the extent possible in natural environments during the course of a normal day. This includes participating in general community life, school, work and leisure activities and accessing general community goods and services, rather than participating primarily or only within the service system with other persons with disabilities and paid caregivers.
- h) The values of integration, individuality, personal choice and skill enhancement shall also encompass health, leisure and recreational activities, social services and education, as well as family and home-based supports.

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- i) Use of generic (non-disability) community resources such as church, Y.M.C.A., Y.W.C.A., educational, clubs, shopping and recreation shall be preferred over segregated programs for special populations, to the extent consistent with the needs of the individual and family. However, if it is difficult for the individual to use generic resources without support, support tailored to the individual's needs shall be offered.

**Section 117.120 Definitions
EMERGENCY**

Unless the context otherwise requires, the terms used in this Part have the meanings ascribed to them in this Section.

"Abuse." Any physical injury, sexual abuse or mental injury inflicted on an individual other than by accidental means (Section 1-101.1 of the Code).

Physical injury includes all injuries serious enough to require immediate medical treatment by a physician, such as fractures and lacerations which require suturing and all other injuries which because of the circumstances or nature of the injury indicate possible abuse or neglect;

Sexual abuse includes but is not limited to any sexual penetration or sexual conduct between an individual and other person if the individual has been adjudicated legally disabled, or has a guardian, or is unable to understand the nature of the act or is unable to give knowing consent, or is injured, or alleges that there is, or there is evidence of, use of force, coercion, or the exchange of money or anything of value; and

Mental injury includes use of words, signs, gestures or other actions by anyone against an individual which intimidates, demeans, harasses, causes emotional anguish or distress, ridicules, threatens, harms or shall knowingly incite or precipitate maladaptive behavior on the part of an individual. Mental injury also includes exploitation, which is any act that uses individuals, their resources or their possessions for an agency employee's personal gain or for an agency's benefit.

"Act." The Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1989, ch. 91, par. 801 et seq.).

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"Adult." A person between the ages of 18 and 60 years.

"Agency." A community mental health or developmental services organization which is a sole proprietorship, association, partnership, corporation or organization, public or private, either for profit or not for profit.

"Autism." A lifelong developmental disability which is manifested by a combination of significant disturbances in intellectual, sensory, cognitive, social, psychological, and emotional functioning and is distinguished from other related disorders by impaired or disordered language and communication; failure to develop appropriate social relationships; ritualistic or compulsive behaviors.

"Cerebral palsy." A disorder dating from birth or early infancy, non-progressive, characterized by absence or aberrations of motor function (paralysis, weakness, incoordination) and of the other manifestations of organic brain damage such as sensory disorder, seizures, mental retardation, learning difficulty and behavior disorders.

"Child." A person who is 17 years old or younger.

"Code." The Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 1-100 et seq.).

"Crisis management." Emergency services of an intensive nature to alleviate stressful situations.

"Day." A calendar day unless otherwise specified.

"Department." The Department of Mental Health and Developmental Disabilities.

"Department-funded out-of-home placement services." Those services for which the Department pays the partial or full cost of care of the residential placement.

"Developmental disability." Disability which is attributable to mental retardation, cerebral palsy, epilepsy or autism; or to any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by a mentally retarded person. Such disability must originate before the age of 18 years, be expected to continue

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indefinitely, and constitute a substantial handicap (Section 1-106 of the Code).

"Developmentally disabled." Having a developmental disability.

"Director." The Director of the Department of Mental Health and Developmental Disabilities or his/her designee (Section 1-108 of the Code).

"DSM-III-R." The Diagnostic and Statistical Manual of Mental Disorders, Third Edition, revised (DSM-III-R, American Psychiatric Association, 1987 edition).

"Employment-related services." Services which allow an individual to participate in employment or which prepare an individual for future participation in employment.

"Epilepsy." A chronic disorder of the brain which is categorized by the tendency to have recurrent seizures. Seizures are sudden, uncontrolled episodes of excessive electrical discharges of brain cells with associated sensory, motor and/or behavioral changes.

"Family." The spouse and children and the parent or parent substitute, sister, and brother of an individual.

"Family Assistance Law." The Family Assistance Law for Mentally Disabled Children (Ill. Rev. Stat. 1989, ch. 91½, par. 1803-1 et seq.).

"Goal." An expected result or condition that involves a specified period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific objectives directed toward its attainment.

"Habilitation." An effort directed toward the remediation of a disability or toward increasing an individual's level of physical, mental, social or economic functioning, independence and self-respect. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services through interaction and participation in the community (Section 1-111 of the Code).

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"Home-based services." Services provided to a mentally disabled adult who lives in his/her own home. These services may include but are not limited to: home health services, service facilitation, crisis management, training and assistance in self-care, personal care services, habilitation and rehabilitation services, employment-related services, respite care, and other skill training that enables a person to become self-supporting (Section 2-3 of the Home-Based Support Services Law).

"Home-Based Support Services Law." The Home-Based Support Services Law for Mentally Disabled Adults (Ill. Rev. Stat. 1989, ch. 91½, par. 1802-1 et seq.).

"Illinois resident." An individual legally admitted to the United States who lives in Illinois, and has no present intention to move from Illinois.

"Individual" or "individuals." A person or persons who receives or receive services or support as described in this Part.

"Informed consent." Permission freely granted by the individual or guardian for the release of information, for participation in the program services specified in the service/treatment plan or for the use of a specific procedure in the plan. Informed consent means full disclosure to the individual or guardian of the information required for him or her to make the decision intelligently.

"Legal guardian." The court-appointed guardian or conservator of the person (Section 1-110 of the Code).

"Mental disability." A developmental disability, a mental illness in an adult or an emotional disturbance in a child.

"Mentally disabled adult." A person between the ages of 18 and 60 years who lives in his or her own home; who needs home-based services, but does not require 24-hour-a-day supervision; and who has one of the following conditions: severe autism, severe mental illness, severe or profound mental retardation, or severe and multiple impairments (Section 2-3 of the Home-Based Support Services Law).

"Mental retardation." Significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years (Section 1-116 of the Code).

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"Natural support network." A social circle affiliated with an individual that may include, but is not limited to, family members, friends, co-workers and peers.

"Neglect." Failure to provide adequate medical or personal care or maintenance to an individual, which failure results in physical or mental injury to an individual or in the deterioration of the individual's physical or mental condition (Section 1-117.1 of the Code).

"Objective." An expected result or condition that involves a specified period of time to achieve, that is specified in behavioral terms and that is related to the achievement of a goal.

"Own home." In one's "own home" means that a mentally disabled adult lives alone; or that a mentally disabled adult is in full-time residence with his or her parents, legal guardian, or other relatives; or that a mentally disabled adult is in full-time residence in a setting not subject to licensure under the Nursing Home Care Act (Ill. Rev. Stat. 1989, ch. 111½, par. 4151 et seq.) or the Child Care Act of 1969 (Ill. Rev. Stat. 1989, ch. 23, par. 2211 et seq.), as now or hereafter amended, with 3 or fewer other adults unrelated to the mentally disabled adult who do not provide home-based services to the mentally disabled adult. (Section 2-3 of the Home-Based Support Services Law). For purposes of this Part, individuals residing in community-integrated living arrangements as provided by the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1989, ch. 91½, par. 1701 et seq.) are not considered to be living in their own home.

"Parent" or "parent substitute." A person acting in the capacity of a parent with respect to an individual with mental disabilities who is 17 years old or younger. The parent shall be:

The legal guardian, if a legal guardian has been determined;

The natural or adoptive parent, if no legal guardian has been determined;

A person licensed as a foster parent and providing care under the Child Care Act of 1969; or

Another relative who is 21 years old or older who has a parent-like relationship with the individual with mental disabilities and who wishes to serve as the parent

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substitute. This relative shall be considered the parent for purposes of this Part if there is no objection from:

The individual;

The legal guardian, if a legal guardian has been determined; or

The natural or adoptive parent, if no legal guardian has been determined.

"Primary examiner." The licensed psychologist and/or psychiatrist and/or physician asked to conduct an evaluation to determine whether an individual applying for programs under this Part meets the criteria for severe level of disability.

"Provider agency." (See "Agency.")

"Random selection." To ensure equal opportunity to the programs described in this Part, the Department shall use a random selection process. The selection process shall be implemented in the following manner: children and adults shall be selected separately, based on two programs and two line item appropriations; residents from each region of the State shall be selected in proportion to the population of that region; an equal number of adults with a developmental disability and mental illness shall be selected; and an equal number of children with a developmental disability and an emotional disturbance shall be selected. There shall be four pools within each region: children with an emotional disturbance; children with a developmental disability; adults with mental illness; adults with a developmental disability. Within each of the separate pools of applicants identified above, a computer shall randomly number all preliminary applications from one through the number of enrolled from each pool shall be chosen according to the per capita approach described above. This number of people (number one through the maximum permitted for each pool) shall be chosen as provisional participants. The provisional participants shall be requested to verify eligibility criteria and diagnosis through evaluation. If any provisional applicant is found ineligible, or for any other reason fails to enter the program, the next alternate based on the sequential numbering shall be selected for enrollment after undergoing verification of eligibility and diagnosis through evaluation.

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"Region." A service division of the State created by the Department in accordance with Section 8 of "AN ACT codifying the powers and duties of the Department of Mental Health and Developmental Disabilities" (Ill. Rev. Stat. 1989, ch. 91, par. 100-8).

"Rehabilitation." An effort toward the amelioration of a disability or toward restoring an individual's level of physical, mental, social or economic functioning, independence and self-respect.

"Relative." A person having any of the following relationships by blood, marriage or adoption: parent, son, daughter, brother, sister, grandparent, uncle, aunt, nephew, niece, great grandparent, great uncle, great aunt, stepbrother, stepson, granddaughter, stepparent or first cousin (Section 2-3 of the Home-Based Support Services Law).

"Service facilitator." An agency representative with experience in working with mentally disabled persons and who provides service facilitation.

"Service facilitation." Assisting an individual participating in the Home-Based Support Program with the development and modification of a service/treatment plan, helping the individual gain access to the services identified in the plan, and advocating on the individual's behalf if services are not being provided as prescribed in the plan.

"Service/treatment plan" or "plan." The basis on which services shall be planned by the individual, a service facilitator and other persons chosen by the individual, provided by an agency and reimbursed by the Department for purposes of the Home-Based Support Services Program.

"Services." Services which are rendered and are partially or wholly funded by the Department.

"Severe autism." A lifelong developmental disability which is typically manifested before 30 months of age and is characterized by disturbances in the rate and sequences of cognitive, affective, psychomotor, language and speech development. A person shall be determined severely autistic, for purposes of this Part, if he or she manifests all of the following characteristics: disturbance in the capacity to relate appropriately to people, events and objects; absence, disorder or delay of language; to speech or

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meaningful communication; unusual or inconsistent response to sensory stimuli in one or more of the following: sight, hearing, touch, pain, balance, smell, taste, or the way the person holds his or her body; and insistence on sameness as shown by stereotyped or repetitive behavioral patterns, repetitive movements, abnormal preoccupation, or resistance to change. There shall be an absence of the characteristics associated with schizophrenia, such as delusions, hallucinations, loosening of associations and incoherence (Section 2-3 of the Home-Based Support Services Law and Section 3-3 of the Family Assistance Law).

"Severe emotional disturbance." A child with a severe emotional disturbance is one who, on the basis of a psychosis or other emotional or behavioral disorder, suffers from severe disability, which requires sustained treatment interventions for a year or more, and which generally requires attention from two or more agencies.

"Severe mental illness." The manifestation of both the following characteristics: the presence of a major mental disorder in adults, or a mental disorder in children or adolescents, classified in the DSM-III-R, as now or hereafter revised, excluding alcohol or substance abuse, Alzheimer's disease, or other forms of dementia based upon organic or physical disorders; and a functional disability of an extended duration for adults, or any duration for children or adolescents, which results in substantial limitations in major life activities (Section 2-3 of the Home-Based Support Services Law and Section 3-3 of the Family Assistance Law).

"Severe or profound mental retardation." The manifestation of all of the following characteristics: development at a rate approximately four and one-half or more standard deviations below the mean as determined through intellectual assessment; lack of development primarily in the cognitive domain; and impairment of adaptive behavior. This impairment constitutes a substantial disability and can be expected to continue indefinitely. (Section 2-3 of the Home-Based Support Services Law and Section 3-3 of the Family Assistance Law).

"Severe and multiple impairments." The manifestation of all the following characteristics: multiple handicaps in the physical, sensory, behavioral or cognitive domains which constitute a severe or profound handicap; development at substantially less than expected rate for the age group in the cognitive, affective or

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psychomotor domains; and a diagnosis of a developmental disability as defined in Section 1-106 of the Code, as now or hereinafter amended. (Section 2-3 of the Home-Based Support Services Law and Section 3-3 of the Family Assistance Law).

"Skills training." Services aimed at improving an individual's ability to perform the activities of daily living and/or community living and/or work-related proficiencies.

"Special education program." Specially designed instruction, at no cost to the parent or individual, to meet the unique needs of an individual with a disability up to age 21, including classroom instruction, instruction in physical education, home instruction and instruction in hospitals and institutions (Education for the Handicapped Act (20 U.S.C.A. 1400 et seq. 1981) and the rules of the State Board of Education at 23 Ill. Adm. Code 226).

"Substantial disability." A physical and mental disability, resulting from mental retardation, cerebral palsy, epilepsy, or autism, of such severity that, alone or in connection with social, legal, or economic constraints, it requires the provision of specialized services over an extended period of time directed toward the individual's social, personal or economic habilitation or rehabilitation.

"Supported employment." Competitive work in integrated work settings for individuals with severe mental disabilities for whom competitive employment has not traditionally occurred or for individuals for whom competitive employment has been interrupted or intermittent as a result of a severe disability and who need ongoing support services to perform such work.

"Twenty-four-hour-a-day-supervision." Care by a trained mental health or developmental disability professional on an ongoing basis (Section 2-3 of the Home-Based Support Services Law).

Section 117.125 Individuals' records and informed consent
EMERGENCY

- a) The individual or guardian shall give informed consent for the release of information and to participate in the services specified in the service/treatment plan, which shall be documented in the individual's case record.
- b) The Department shall maintain a roster of all applicants who have been chosen and have been determined eligible for the programs described in this Part.

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- c) The Department shall maintain a permanent case record for each individual who has been chosen and determined eligible. Control and protection of the record shall be governed by the Act.
- d) Department staff shall maintain a continuous, chronological record of all activities and events in the case records. Events and activities shall be documented in a standard format with sufficient specificity that progress can be monitored by an uninformed reviewer without additional information from responsible staff.
- e) Department-designated agencies shall also maintain a case record for each individual served. Control and protection of the records shall be governed by the Act.

**Section 117.130 Outreach plan
EMERGENCY**

Annually, information shall be disseminated in English and in Spanish to individuals who may be eligible for the programs described in this Part by the Department, the Departments of Public Aid, Rehabilitation Services, Children and Family Services and Public Health and the State Board of Education, and advocacy and provider organizations, and persons who have contact with individuals who may be eligible to participate in these programs. Furthermore, all developmental disability and mental health agencies, service facilitation units and other service organizations shall be sent brochures containing preliminary application forms for distribution to potentially-eligible individuals. The Department shall disseminate letters explaining the programs to agencies and advocacy organizations around the State.

**Section 117.135 Preliminary application process
EMERGENCY**

- a) The Department shall disseminate preliminary applications in English and Spanish annually to those individuals who may be eligible to participate in the programs described in this Part.
- b) Applicants shall submit their completed preliminary applications to the Department, 401 South Spring Street, Springfield, IL 62765 annually by a date determined by the Department, but no later than July 31.
- c) Preliminary application for the Home-Based Support Services Program, described in Subpart B (form DMHDD-1235), must be made by the individual or his or her guardian. Preliminary application for the Family Assistance Program, described in Subpart C (form

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DMHDD-1236), must be made by the child's parent. The applicant is responsible for providing complete and accurate information as specified in the application package and instructions (see Section 117.Appendix B, Illustrations A and B).

- d) Individuals shall be chosen through a random selection process as described in Section 117.120. The number of individuals chosen to participate in these programs shall be contingent upon the availability of funds appropriated by the General Assembly for these purposes. The Department shall notify individuals in writing of their selection within 30 days after final approval of the application. In each year in which funds are available for expanded enrollment, the Department shall conduct a random selection process and select additional individuals for these programs.

**Section 117.140 Application and eligibility determination process
EMERGENCY**

- a) The Department shall send and ask applicants chosen through the random selection process to complete an application package (described in subsection (b) below) within 30 days of being notified that they have been chosen.

- b) The application package shall include:

- 1) A letter explaining the Department's eligibility verification process;
- 2) Instructions for submitting the necessary clinical information to verify the severity of the disability and other eligibility criteria;
- 3) A listing of Department-designated agencies in the applicant's region which may assist with verification of disability;
- 4) Written instructions to the primary examiners on what they must do to verify eligibility;
- 5) Eligibility criteria for individuals with severe mental illness or emotional disturbance, severe autism, severe mental retardation and severe and multiple impairments; and
- 6) Eligibility determination forms that must be signed by the primary examiner (see Section 117.Appendix B).

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c) Documentation of a severe or profound mental retardation shall be based on a comprehensive documented evaluation by a licensed psychologist. The evaluation shall verify that the individual's severe or profound mental retardation originated before the age of 18 and has resulted in significantly subaverage general intellectual functioning in concurrence with impairment in adaptive behavior and meets the Classification in Mental Retardation (American Association on Mental Retardation, 1983 edition) or the DSM-III-R criteria of severe or profound mental retardation, i.e., an intelligence quotient (I.Q.) of 40 or below, and a severe or profound level of adaptive behavior in keeping with illustrations in the Classification in Mental Retardation.

d) Documentation of a severe mental illness shall be based on a comprehensive documented evaluation by a licensed psychologist or psychiatrist. The evaluation shall verify that the individual's primary diagnosis meets one of the DSM-III-R major mental disorders listed below (such diagnosis may coexist with other DSM-III-R diagnoses in Axis I or other areas): schizophrenic disorder; delusional disorder; schizoaffective disorder; bipolar affective disorder; atypical psychosis; or major depression, recurrent. The evaluation should also verify that the individual's severe mental illness has substantially affected his or her functioning in at least two of the following areas: self maintenance, social functioning, activities of community living, work skills. There shall be detailed documentation of how the individual's functioning in these areas has been specifically affected and documentation that the substantial functional disabilities are expected to be present for at least one year, which results in substantial limitations in major life activities.

e) Documentation of severe autism shall be based on a comprehensive, documented evaluation by a licensed psychologist or psychiatrist, a speech and language specialist or teacher of speech-impaired or language-impaired persons, and a social worker. The evaluation shall verify that a child or adult with severe autism has a lifelong developmental disability which is typically manifested before 30 months of age and is characterized by disturbances in the rate and sequences of cognitive, affective, psychomotor, language and speech development. The diagnosis of autistic disorder shall be in keeping with DSM-III-R 299.00 criteria of autistic disorder.

f) Documentation of severe and multiple impairments shall be based on a comprehensive, documented evaluation by a licensed psychologist or a physician; and, depending on the individual's disability, one

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or more specialists. The evaluation shall verify that the individual has a substantial disability that can be expected to continue indefinitely. The individual meets the criteria for severe and multiple impairments based on a finding that criteria in subsections (1) through (3) below are met. Each item has its own sub-criteria which also must be met, e.g., under subsections (1)(A) or (B), must apply.

1) The evaluation determines the presence of a developmental disability based on:

A) Mental retardation, which is defined as general intellectual functioning that is two or more standard deviations below the mean concurrent with impairment of adaptive behavior which is two or more standard deviations below the mean; or

B) Cerebral palsy, epilepsy, autism or any other condition which results in impairment similar to that caused by mental retardation and which requires services similar to those required by persons with mental retardation.

2) The evaluation determines multiple handicaps in physical, sensory, behavioral and/or cognitive functioning which constitute a severe or profound impairment attributable to one or more of the following:

A) Physical functioning, which severely impairs or restricts the individual's motor performance that may be due to neurological, psychological or physical involvement resulting in a variety of disabling conditions, such as hemiplegia, quadriplegia, ataxia, in severe organ systems involvement such as congenital defects, and other physical abnormalities resulting in the individual being non-mobile and non-ambulatory or confined to bed and receiving assistance in transferring, or requiring regular medical or nursing supervision such as gastrostomy care and feeding.

B) Sensory, which involves severe restriction due to hearing and/or visual impairment limiting the individual's movement and creating dependence in completing most daily activities.

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- i) Hearing impairment is defined as loss of 70 dB aided or speech discrimination of less than 50% aided.
- ii) Visual impairment is defined as 20/200 in the better eye or a visual field of 20 degrees or less.
- C) Behavioral, which involves severe or profound deficits in adaptive behavior or severe maladaptive behavior.
 - i) Adaptive behavior, which is at a severe or profound level of functioning for the age group in self-care skills such as feeding, dressing, grooming or bathing, in social skills such as responses or interactions with others or in communication skills such as use of words or gestures expressively or receptively.
 - ii) Maladaptive behavior, which presents a danger to self or others, is destructive to property by deliberately breaking, destroying or defacing objects, is disruptive by fighting or prolonged arguing or crying, or has other socially offensive behaviors in sufficient frequency and/or severity to seriously limit social integration.
- D) Cognitive, which involves severe or profound intellectual functioning at a measured I.Q. of 40 or below.
- 3) The evaluation determines that development is substantially less than expected for the individual's age in cognitive, affective or psychomotor behavior.
 - A) Cognitive, which involves intellectual functioning at a measured I.Q. of 70 or below.
 - B) Affective behavior, which involves over and under responding to stimuli in the environment and may be observed in mood, attention or awareness, or in behaviors such as euphoria, anger or sadness that seriously limit integration into society.

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- C) Psychomotor, which includes a severe developmental delay in fine or gross motor skills so that development in self-care, social interaction, communication or physical activity shall be greatly delayed or restricted.
- g) Individuals or their guardians may use existing evaluations if they meet the criteria above and were completed within the following time frames:
 - 1) For assessment of severe mental illness described in subsection (d), within one year prior to the date submitted to the Department.
 - 2) For assessment of the maladaptive behavior component of severe and multiple impairment described in subsection (f)(2)(C)(ii), within one year prior to the date submitted to the Department.
 - 3) For all other assessments required by subsections (c)(e) and (f), within three years prior to the date submitted to the Department.
- h) If existing evaluations are not available, outdated or do not meet the above criteria, individuals or their guardians shall choose the primary examiner of their choice or use Department-designated agencies or organizations to conduct the evaluations. The completed evaluation shall be submitted with forms DMHDD-1237.1, 1237.2, 1237.3, 1237.4, 1237.5 (see Section 117.Appendix B, Illustrations A, B, C, D, E).
- i) The Department shall reimburse primary examiners and the other necessary examiners for the cost of the evaluation unless the individuals are eligible for partial or full payment for the evaluation by a third party payor. In such cases, the third party payor shall reimburse for the full or partial cost, depending on the individuals' coverage, and the Department shall reimburse the balance. The Department's reimbursement shall be tied to the usual and customary fee for such evaluations, based on the individuals' needs.
- j) The primary examiner shall submit the completed application and verification of disability to the Department before services begin.

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- k) The Department shall review the completed application and verification of disability. The Department shall notify the applicant in writing within 30 days that the application has been received and is or is not complete, and shall specify in writing what additional information is necessary.
- l) Should an application remain incomplete for more than 30 days after the request for additional information, the Department shall notify the applicant in writing of the incomplete status and what information is still lacking. Such notification of status shall be sent one additional time at a 30-day interval. If, within 30 days after the final notification, the applicant has not provided the additional information, the application shall be considered inactive.

Section 117.145 Hearings and appeals
EMERGENCY

- a) If the Department denies an individual's application for participation in the programs included in this Part, the Department shall give written notice within 30 days to:
- 1) The person who signed the application for participation in the Home-based Support Services Program; or
 - 2) The parent for the Family Assistance Program.
- b) The person who receives the notice may appeal the Department's denial within 20 days after receipt of the Department's written notice by mailing a written appeal request of the Department (Sections 2-13 and 3-15 of the Home-Based Support Services Law). All appeal requests shall be sent to:

Associate Director for Clinical Services, Department of
Mental Health and Developmental Disabilities, 100 West
Randolph Street, Suite 6-400, Chicago, IL 60601.

- c) The Department may arrange pre-hearing conferences prior to scheduling a formal hearing to develop factors not included in the Department's master case record, which could result in resolution of the issues raised.
- d) The Department shall send by certified mail a notice stating the date, time, and place of the hearing to the address given on the individual's appeal request not less than 10 days in advance of the date of such hearing. Hearings shall be scheduled at a time

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and place to be determined by the Department. The place selected shall be an appropriate location, with a view to geographic grouping of the cases to be heard, to keep travel at a minimum for all participants.

- e) The individual requesting the appeal of the Department shall appear personally and may bring such witnesses as may be deemed necessary and may be represented by a person of his or her own choice.
- f) A hearing officer duly authorized by the Director shall conduct the hearing as follows:
- 1) The hearing shall be tape or stenographically recorded.
 - 2) The hearing shall be officially opened when its purpose has been stated and governing authorities have been cited.
 - 3) The hearing officer shall present his or her credentials.
 - 4) The hearing officer shall swear in those who are to testify as witnesses, including the appellant and others appearing on his or her behalf, the Department's representative or representatives, and identify them for the record by name and title.

5) The appellant shall be given preference as to the order of appearances by agreement as to the format of the hearing, as a result of a preliminary conference between both parties. If agreeable, the Department's case shall be recited first into the record for the purpose of developing a basis for the hearing. All documents, in support of such testimony, shall be numbered and offered into evidence as the Department's exhibits. Leave to substitute copies of such documents shall be sought, so the originals may be retained in the Department's master case record file.

- 6) Upon completion of the Department's case, cross examination of the Department may be held if desired, whether by the appellant or his or her attorney, if so represented.
- 7) The appellant shall then state, either directly, or on examination by the counsel, the reason for requesting an appeal of the denial of the application, and shall submit documents to substantiate allegations made by him or her, or as a rebuttal of the Department's allegations. These

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exhibits shall be numbered and identified for record purposes as appellant's exhibits. The presiding hearing officer shall have complete authority for determining what testimony or evidence is relevant and admissible into the record, either by the Department or the appellant.

8) After all direct testimony has been completed and all evidence by both the Department and the appellant is in, cross-examination may again be held, if so desired.

9) When there is no further testimony or evidence to be offered by either party, the hearing shall be considered adjourned with the explanation that no decision will be rendered on the testimony and evidence submitted, inasmuch as the complete record will be reviewed and a full report, with recommendations will be submitted to the Department's Director who will ultimately review the findings and recommendations and render a final decision as to whether the determination is subject to change, and so notify the appellant.

10) If the findings of the hearing indicate that an error has been made in the original decision, or new or additional information indicates that a supplemental decision is in order, an independent redetermination shall be made by the hearing officer responsible for preparation of the report to conform.

11) Within 30 days, but no later than 60 days subsequent to the hearing, a copy of the Department's letter of decision, bearing the Director's signature, noted as to the date of the signature, along with a copy of the findings shall be issued in writing to the appellant.

g) The common law rules of evidence shall not be enforced in the conduct of the hearing (Section 12 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1012)). The hearing officer may ask and receive answers to such questions as are pertinent and proper for a fair determination of the case. Exhibits may be received as part of the evidence and shall be numbered in order according to whether they are the Department's or the appellant's exhibits.

h) The hearing officer shall make a recommendation on the basis of statutory guidelines (Home-Based Support Services Law and the Family Assistance Law), the provisions of this Part and the

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testimony and evidence presented. The Director shall review the record and the recommendation of the hearing officer shall become final only on receiving the Director's signature indicating his or her assent thereto.

i) The Department is not authorized or empowered to hold a subsequent hearing based on the same set of facts existing at the time the Department's final order was entered.

j) The Department shall keep a certified true copy of the record of the hearing and shall furnish such record to any court reviewing its decision (Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, pars. 3-101 et seq.)).

k) The Department's denial of an appeal shall constitute a final administrative decision. Final administrative decisions shall be subject to judicial review exclusively as provided in the Administrative Review Law, as now or hereafter amended, except that any petition for judicial review of a final administrative decision by the Department under this Article shall be filed within 30 days after receipt of notice of the Department's final administrative decision. The term "administrative decision" has the meaning ascribed to it in Section 3-101 of the Code of Civil Procedure, as now or hereafter amended (Section 2-13 of the Home-Based Support Services Law and Section 3-15 of the Family Assistance Law).

SUBPART B: THE HOME-BASED SUPPORT SERVICES PROGRAM

Section 117.200 Eligibility criteria
EMERGENCY

a) No entitlement to services shall be established under this Subpart. The number of eligible adults chosen to participate in this program shall be contingent upon the availability of funds appropriated by the General Assembly for these purposes.

b) To be eligible for the Home-Based Support Services Program an individual must:

- 1) Reside in Illinois;
- 2) Be between the ages of 18 and 60, inclusive;

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- 3) Reside in his or her own home or, within two months of being notified that he or she has been chosen to participate in this program, he or she shall reside full-time in his or her own home.
- 4) Need home-based support services, but not require 24-hour-a-day supervision;
- 5) Be eligible and must have applied for federal Supplemental Security Income (SSI) (42 U.S.C.A. 1381 et seq., 1981) or federal Social Security Disability Income (SSDI) (42 U.S.C.A. 401 et seq., 1981) benefits;
- 6) Be diagnosed as having one of the following conditions:
 - A) Severe autism;
 - B) Severe mental illness;
 - C) Severe or profound mental retardation; or
 - D) Severe and multiple impairments.
- 7) Apply annually.

**Section 117.205 Notice of eligibility and service authorization
EMERGENCY**

- a) The Department shall notify individuals found eligible, in writing, within 30 days of final approval of their applications. This notification shall include instructions for accessing services and the names of Department-designated agencies that can assist the individual in developing a service/treatment plan.
- b) The service facilitator shall send a copy of the service/treatment plan, signed by the individual or his or her guardian, to the Department within 60 days from the date of the Department's final approval of the application. Payment for services shall be based on the plan and services delivered shall be consistent with the plan.
- c) If an individual chosen to participate in this program is receiving Department-funded purchase of care or grant-in-aid services, reimbursement for his or her support under this program shall be reduced based on the Department's costs of the individual's purchase of care or grant-in-aid services.

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**Section 117.210 Notice of ineligibility and right to appeal
EMERGENCY**

- a) If, based on the evaluations as described in Section 117.140, the individual is found ineligible, the Department shall notify him or her or the guardian in writing within 30 days.
- b) Appeal of a service denial may be made as provided for in Section 117.145.

**Section 117.215 Services and funding provisions
EMERGENCY**

- a) The Department shall purchase services from Department-designated agencies based on the service/treatment plan. Such services may include, but are not limited to:

- 1) Home health services;
- 2) Service facilitation;
- 3) Crisis management;
- 4) Training and assistance in self-care;
- 5) Personal care services;
- 6) Habilitation and rehabilitation services;
- 7) Employment-related services;
- 8) Supported employment;
- 9) Respite care for the caregiver; and
- 10) Other skills training that enables an individual to become self-supporting.

- b) Home-based support services may not be used to:

- 1) Replace services for which the individual is otherwise eligible through federal, state or local public agencies such as special education programs, as described in 42 CFR 430, Subpart A, 1989.

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2) Deny, reduce or terminate services to individuals participating in this program.

c) The amount of home-based support services shall be determined by the individual's service/treatment plan but shall not exceed the following:

1) For adults who are not in a special education program, the cost of services shall be up to 300 percent of the monthly federal SSI payment for a person living alone (Section 2-6 of the Home-Based Support Services Law).

2) For adults who are in a special education program, the cost of services shall be up to 200 percent of the monthly federal SSI payment for a person living alone (Section 2-6 of the Home-Based Support Services Law).

Section 117.220 Service facilitation services
EMERGENCY

a) The Department shall notify individuals who are chosen to participate in the program in writing of the availability of an array of community services which Department-designated agencies can provide, including service facilitation.

b) Periodically, as desired by the individual but no less than annually, the service facilitator shall review with the individual the adequacy of the plan and make any modifications desired by the individual.

Section 117.225 Service/treatment plan
EMERGENCY

a) The service/treatment plan shall be developed by the individual, his or her guardian, and other persons the individual asks to participate as well as a service facilitator.

b) The plan shall serve as the basis on which services may be billed by an agency and reimbursed by the Department.

Section 117.230 Selection of services
EMERGENCY

Individuals whose eligibility has been verified and who have a completed service/treatment plan shall receive services on a monthly basis not to exceed the funding level set by the plan.

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Section 117.235 Service monitoring
EMERGENCY

Annually, the Department through on-site field review shall monitor a sample of the service/treatment plans of participating individuals to assure services are meeting the plans' stated goals, the needs of the individuals being served, and to ensure that the individuals are satisfied with the services which they are receiving.

Section 117.240 Service termination
EMERGENCY

a) The funding for services will cease if any of the following occur:

1) The adult no longer meets the eligibility criteria;

2) The adult dies;

3) The adult reaches the age of 61 years;

4) The adult or guardian submits false information during the application process; or

5) The adult consistently uses more services than those for which he or she has been funded.

b) Changes in eligibility shall be reported by the individual or his or her guardian to the Department in writing within 30 days after such changes occur.

SUBPART C: FAMILY ASSISTANCE PROGRAM

Section 117.300 Eligibility criteria
EMERGENCY

a) No entitlement to services shall be established under this Subpart. The number of eligible families chosen to participate in the Family Assistance Program shall be contingent upon the availability of funds appropriated by the General Assembly for these purposes.

b) To be eligible, a family must meet all of the following criteria:

1) Have a child 17 years old or younger who has a diagnosis of one of the conditions described in Section 117.200(b)(6) and who lives in the home. The eligible child may be living in an out-of-home placement at the time of application but must

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live with the parent within 60 days of the date of being notified of acceptance.

- 2) Reside in Illinois.
- 3) Have a maximum household federal taxable income of less than \$50,000 annually (natural or adoptive family) as verified by the family's federal income tax return. Income eligibility shall be based on the year immediately preceding the date of application, unless the family can verify that its federal taxable income shall be less in the year the application is made. Families who can verify that they did not file an income tax return because of limited income shall be considered eligible. Such families shall be required to verify household income by listing all of their income from all sources from the previous year. The family income limit shall not apply to children in foster care. In such cases, the foster child's income shall be the determinant.

- 4) Apply annually.

Section 117.305 Eligibility determination process
EMERGENCY

The eligibility determination process for the Family Assistance Program shall be conducted as follows:

- a) Documentation of severe or profound mental retardation shall be in accordance with Section 117.140(c).
- b) Documentation of a severe emotional disturbance shall be based on a comprehensive, documented evaluation by a licensed psychologist or psychiatrist who shall verify that the child has a primary diagnosis which meets the DSM-III-R criteria of a mental disorder with onset in childhood or adolescence (excluding V-codes, adjustment disorders, mental retardation when no other mental disorder is present, or other forms of dementia based on organic, physical or alcohol/substance abuse disorders). A child who suffers from this severe disability requires sustained treatment intervention for a year or more and generally requires attention from two or more agencies. The child must meet DSM-III-R Axis V criteria of severe functional impairment (a score of 40 or below on the Global Assessment of Functioning Scale (GAF Scale) contained in the DSM-III-R) and must be experiencing significant limitations of major life activities in his or her capacity for living in a family or family equivalent and in two or more of the following areas (not

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to include impairment in functioning due to physical or environment limitation):

- 1) Self-care at an appropriate developmental level;
 - 2) Perceptive and expressive language;
 - 3) Learning; or
 - 4) Social interaction and self-direction, including behavioral controls, decision-making, judgment and value systems at an appropriate developmental level.
- c) Documentation of severe autism shall be in accordance with Section 117.140(e).
 - d) Documentation of severe and multiple impairments shall be in accordance with Section 117.140(f).
 - e) Families shall submit, with documentation of the child's severe disability, verification of income in accordance with Section 117.300(b)(3).

Section 117.310 Notice of eligibility or ineligibility
EMERGENCY

The Department shall notify families in writing within 30 days of its final approval or disapproval of the application.

Section 117.315 Right to appeal
EMERGENCY

Appeal of a service denial may be made as set forth in Section 117.145.

Section 117.320 Services and funding provisions
EMERGENCY

- a) The family shall use the monthly stipend to assist it in meeting the expenses associated with the child's presence in the family home. The child's parent shall be responsible for determining the stipend's use. Examples of such uses of the stipend include:

- 1) Respite care;
- 2) Purchase of special equipment and supplies needed by the child;

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- 3) Individual or family counseling;
 - 4) Training for a parent or sibling;
 - 5) Home remodeling to meet the needs of the child; or
 - 6) A special car or a lift for a van to transport the eligible child.
- b) Annually, the parent shall submit to the Department a signed, written statement verifying that the stipend was used to meet the special needs of the family.
- c) The stipend shall be considered a benefit to the child and shall be paid monthly to the eligible child's parent. The amount shall be equal to the amount of the monthly SSI payment for an individual residing alone.
- d) If the child is living outside the home, the family may apply for a single, one-time advance payment not to exceed twice the monthly stipend to prepare family members and/or the family home to meet the special needs of the eligible child. The monthly payment as described in subsection (c) above shall begin during the month of the child's return home.

Section 117.325 Service facilitation services
EMERGENCY

The Department shall inform the family of eligible children in writing of the availability of service facilitation services. When serving families, the service facilitator shall provide information to the family concerning local support services, including but not limited to in-home services, crisis intervention, and respite care and shall advocate for the family in accessing desired services.

Section 117.330 Stipend termination
EMERGENCY

- a) Payment of the stipend shall cease when any of the following occur:
- 1) The family no longer meets the eligibility criteria;
 - 2) The eligible child attains the age of 18;
 - 3) The eligible child moves from the family home;

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- 4) The parent no longer has custody of the child;
 - 5) The family fails to make a report on any of the eligibility standards described in subsections (1) through (4) above as required by Section 117.320;
 - 6) The parent does not submit the annual verification statement on the use of the funds to the Department as required by Section 117.320(b);
 - 7) The parent submits false information to the Department in an application or a verification statement regarding the stipend's use;
 - 8) The eligible child is abused or neglected as reported under the provisions of the Abused and Neglected Child Reporting Act (Ill. Rev. Stat. 1989, ch. 23, pars. 2051 et seq.) and as confirmed by the Department of Children and Family Services; or
 - 9) The family uses the monthly stipend for alcohol, illegal drugs, gambling or any illegal activities.
- b) The parent shall report changes in eligibility in writing to the Department within 30 days after such changes occur.
- c) If the family moves, the parent shall report the change of address in writing to the Department within 14 days.

Section 117.335 Right to investigate suspected fraud
EMERGENCY

The Department reserves the right to investigate suspected fraud of the Family Assistance Program and to take necessary action if such fraud is found.

Section 117.340 Denial of other services
EMERGENCY

Families participating in this program shall not be denied generic or specialized services available to all families with mentally disabled children because they are receiving a monthly stipend. Department-funded agencies shall not terminate services currently being offered to the eligible child due to the family's participation in this program nor shall the agencies introduce a service fee that was not in place prior to the family's participation in this program.

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Section 117.345 Maximizing the use of other agency services
EMERGENCY

A family shall maximize the use of services and entitlements as provided by other governmental agencies such as provider agencies, SSI, SSDI, services of the Department of Rehabilitation Services, and special education services.

Section 117.350 Out-of-home placement
EMERGENCY

When the Department receives an application for out-of-home placements for children with severe mental disabilities, the Department shall make the parents aware of the availability of the Family Assistance Program. However, no entitlement to this program exists for such children.

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Section 117. Appendix A Application forms
EMERGENCY

Illustration A DMHDD-1235, Home-Based Support Services Program
Application

DMHDD-1235
08/90

Illinois Department of Mental Health
and Developmental Disabilities

HOME-BASED SUPPORT SERVICES PROGRAM APPLICATION

A new program for adults with a severe developmental disability or a severe mental illness. For more information call the Department's toll free number 1-800-643-6154.

Please read the brochure before completing items 1-10 below, print or type clearly and sign the application:

1. Applicant's name: _____
2. Sex: ☐ Male ☐ Female
3. Applicant's race: ☐ White ☐ Black ☐ Hispanic ☐ Other
4. Applicant is believed to have: ☐ severe autism; ☐ severe mental illness; ☐ severe or profound mental retardation; ☐ severe and multiple impairments.
5. Applicant's birthdate: ____/____/____
6. Applicant's social security number: _____
7. Applicant's address: _____
Street _____
City _____ State _____ Zip _____ County _____
8. Applicant's telephone number: _____
Area code _____ Number _____
- 9 a. The applicant lives in his/her own home/apartment now: ☐ Yes ☐ No
b. The applicant lives outside his/her home now but is planning to move to his/her own home/apartment if chosen to participate in this program:
☐ Yes ☐ No
10. Applicant is enrolled in a special education program: ☐ Yes ☐ No

I declare that the information above is true and I understand that if I am chosen this information will be confirmed by the Illinois Department of Mental Health and Developmental Disabilities through an assessment to assure my eligibility to participate in the Home-Based Support Services Program.

Applicant's or guardian signature _____ Date _____
Guardian's name _____
Guardian's telephone number: _____
Guardian's address: _____

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Section 117. Appendix A Application forms
EMERGENCY

Illustration B DMHDD-1236, Family Assistance Program Application

DMHDD-1236
08/90Illinois Department of Mental Health
and Developmental Disabilities

THE FAMILY ASSISTANCE PROGRAM APPLICATION

A new program for families with children who have a severe developmental disability or a severe mental disturbance. For more information call the Department's toll free number 1-800-843-6154.

Please read the brochure before completing items 1-11 below, print or type clearly and sign the application:

1. Child's name: _____
2. Sex: ☐ Male ☐ Female
3. Race: ☐ White ☐ Black ☐ Hispanic ☐ Other
4. I believe my child has: ☐ severe autism; ☐ severe emotional disturbance; ☐ severe or profound mental retardation; ☐ severe and multiple impairments.
5. Child's birthdate: ____/____/____
6. Child's social security number (if available): _____
7. Parent's/guardian's name: _____
Street address: _____
City _____ State _____ Zip _____ County _____
8. Parent's/guardian's telephone number: _____ Area code _____ Number _____
9. Family taxable income: _____ under \$50,000 _____ over \$50,000
- 10 a. My child lives in the family home now: ☐ Yes ☐ No
b. My child lives outside the family home now, but if I am chosen to participate in this program I plan to bring my child back into the family home: ☐ Yes ☐ No
11. Is this a foster child: ☐ Yes ☐ No

I declare that the information above is true and I understand that if I am chosen this information will be confirmed by the Illinois Department of Mental Health and Developmental Disabilities through an assessment to assure my eligibility to participate in the Family Assistance Program.

Parent/guardian signature _____ Date _____

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Section 117. Appendix B Eligibility determination forms
EMERGENCYIllustration A DMHDD-1237.1, Eligibility Determination - Primary
Examiners - Adults with a Severe Mental IllnessDMHDD-1237.1
08/90Illinois Department of Mental Health
and Developmental DisabilitiesELIGIBILITY DETERMINATION - PRIMARY EXAMINERS
- ADULTS WITH A SEVERE MENTAL ILLNESS

Name of applicant: _____

Date of examination: _____

I verify that I am a _____ board eligible/certified psychiatrist
and _____ licensed clinical psychologist

and that the above-named individual was evaluated personally by me.

_____ I verify that I have found the person to meet the eligibility criteria
for determination as an **Adult with a Severe Mental Illness**.

_____ I verify that I have found the person does **not** meet the eligibility
criteria for determination as an **Adult with a Severe Mental Illness**.

_____ I have attached my evaluation and copies of any other evaluations used by me
in making this determination.

Name (type or print) _____

Signature _____

Address _____

License no. _____

Return in self-addressed, stamped envelope or send to.

Department of Mental Health and Developmental Disabilities
Home-Based Support Services Program
Room 405 Stratton Building
Springfield, IL 62765

Section 117. Appendix B Eligibility determination forms
EMERGENCY Illustration B DMHDD-1237.2, Eligibility Determination - Primary Examiners - Children with Severe Emotional Disturbance

Section 117. Appendix B Eligibility determination forms
EMERGENCY Illustration C DMHDD-1237.3, Eligibility Determination - Primary Examiners - Children and Adults with Severe Autism

DMHDD-1237.2 08/90 Illinois Department of Mental Health and Developmental Disabilities

DMHDD-1237.3 08/90 Illinois Department of Mental Health and Developmental Disabilities

ELIGIBILITY DETERMINATION - PRIMARY EXAMINERS - CHILDREN WITH SEVERE EMOTIONAL DISTURBANCE

ELIGIBILITY DETERMINATION - PRIMARY EXAMINERS - CHILDREN AND ADULTS WITH SEVERE AUTISM

Name of applicant: _____
Date of examination: _____
I verify that I am a _____ board eligible/certified psychiatrist and _____ licensed clinical psychologist and that the above-named individual was evaluated personally by me.
____ I verify that I have found the person to meet the eligibility criteria for determination as a Child with a Severe Emotional Disturbance.
____ I verify that I have found the person does not meet the eligibility criteria for determination as a Child with a Severe Emotional Disturbance.
I have attached my evaluation and copies of any other evaluations used by me in making this determination.

Name (type or print) _____
Signature _____
Address _____
License no. _____

Return in self-addressed, stamped envelope or send to:

Return in self-addressed, stamped envelope or send to:

Department of Mental Health and Developmental Disabilities
Home-Based Support Services Program
Room 405 Stratton Building
Springfield, IL 62765

Department of Mental Health and Developmental Disabilities
Home-Based Support Services Program
Room 405 Stratton Building
Springfield, IL 62765

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Illustration D DMHDD-1237.4, Eligibility Determination - Primary
Examiners - Children and Adults with Severe or
Profound Mental Retardation

DMHDD-1237.4 Illinois Department of Mental Health
08/90 and Developmental Disabilities

ELIGIBILITY DETERMINATION - PRIMARY EXAMINERS
- CHILDREN AND ADULTS WITH SEVERE OR PROFOUND MENTAL RETARDATION

Name of applicant: _____

Date of examination: _____

I verify that I am a _____ board eligible/certified psychiatrist
_____ licensed clinical psychologist
_____ certified school psychologist

and that the above named individual was evaluated personally by me.

_____ I verify that I have found the person to meet the eligibility criteria
for determination as **Children and Adults with Severe or Profound Mental
Retardation.**

_____ I verify that I have found the person does not meet the eligibility
criteria for determination as **Children and Adults with Severe or
Profound Mental Retardation.**

I have attached my evaluation and copies of any other evaluations used by me
in making this determination.

Name (type or print) _____

Signature _____

Address _____

License no. _____

Return in self-addressed, stamped envelope or send to:

Department of Mental Health and Developmental Disabilities
Home-Based Support Services Program
Room 405 Stratton Building
Springfield, IL 62765

DEPARTMENT OF MENTAL HEALTH AND
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Section 117. Appendix B Eligibility determination forms
EMERGENCY

Illustration E DMHDD-1237.5, Eligibility Determination - Primary
Examiners for Children and Adults with Severe and
Multiple Impairments

DMHDD-1237.5 Illinois Department of Mental Health
08/90 and Developmental Disabilities

ELIGIBILITY DETERMINATION - PRIMARY EXAMINERS
- CHILDREN AND ADULTS WITH SEVERE AND MULTIPLE IMPAIRMENTS

Name of applicant: _____

Date of examination: _____

I verify that I am a _____ board eligible/certified psychiatrist
_____ licensed clinical psychologist
_____ board eligible/certified
_____ ophthalmologist
_____ licensed optometrist
_____ board eligible/certified
_____ otolaryngologist
_____ audiologist with a Certificate of
_____ Clinical Competency

and that the above-named individual was evaluated personally by me.

_____ I verify that I have found the person to meet the eligibility criteria
for determination as **Children and Adults with Severe and Multiple
Impairments.**

_____ I verify that I have found the person does not meet the eligibility
criteria for determination as **Children and Adults with Severe and
Multiple Impairments.**

I have attached my evaluation and copies of any other evaluations used by me
in making this determination.

Name (type or print) _____

Signature _____

Address _____

License no. _____

Return in self-addressed, stamped envelope or send to:

Department of Mental Health and Developmental Disabilities
Home-Based Support Services Program
Room 405 Stratton Building
Springfield, IL 62765

NOTICE OF EMERGENCY RULES

1) Heading of the Part: Savings Bank Act.2) Code Citation: 38 Ill. Adm. Code 1075.3) Section numbers Section numbers Emergency Action

1075.100	1075.630	New Section
1075.110	1075.640	New Section
1075.120	1075.650	New Section
1075.130	1075.660	New Section
1075.140	1075.670	New Section
1075.200	1075.680	New Section
1075.300	1075.700	New Section
1075.310	1075.705	New Section
1075.400	1075.710	New Section
1075.410	1075.715	New Section
1075.415	1075.720	New Section
1075.420	1075.725	New Section
1075.430	1075.730	New Section
1075.440	1075.735	New Section
1075.450	1075.740	New Section
1075.455	1075.745	New Section
1075.460	1075.750	New Section
1075.465	1075.800	New Section
1075.470	1075.810	New Section
1075.480	1075.820	New Section
1075.490	1075.900	New Section
1075.500	1075.905	New Section
1075.505	1075.910	New Section
1075.510	1075.915	New Section
1075.515	1075.920	New Section
1075.520	1075.925	New Section
1075.525	1075.930	New Section
1075.530	1075.935	New Section
1075.535	1075.940	New Section
1075.540	1075.945	New Section
1075.545	1075.950	New Section
1075.550	1075.955	New Section
1075.555	1075.960	New Section
1075.560	1075.965	New Section
1075.565	1075.970	New Section
1075.570	1075.975	New Section
1075.575	1075.980	New Section
1075.580	1075.985	New Section
1075.585	1075.990	New Section
1075.600	1075.995	New Section
1075.610	1075.1000	New Section
1075.620	1075.1005	New Section

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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1075.1010	1075.1250	New Section
1075.1015	1075.1255	New Section
1075.1020	1075.1260	New Section
1075.1025	1075.1265	New Section
1075.1030	1075.1270	New Section
1075.1035	1075.1275	New Section
1075.1040	1075.1280	New Section
1075.1045	1075.1285	New Section
1075.1050	1075.1290	New Section
1075.1055	1075.1295	New Section
1075.1100	1075.1300	New Section
1075.1105	1075.1305	New Section
1075.1110	1075.1310	New Section
1075.1115	1075.1315	New Section
1075.1120	1075.1320	New Section
1075.1125	1075.1325	New Section
1075.1130	1075.1400	New Section
1075.1135	1075.1405	New Section
1075.1140	1075.1410	New Section
1075.1145	1075.1415	New Section
1075.1150	1075.1420	New Section
1075.1155	1075.1425	New Section
1075.1160	1075.1430	New Section
1075.1165	1075.1435	New Section
1075.1170	1075.1440	New Section
1075.1175	1075.1445	New Section
1075.1180	1075.1450	New Section
1075.1185	1075.1500	New Section
1075.1190	1075.1510	New Section
1075.1195	1075.1520	New Section
1075.1200	1075.1530	New Section
1075.1205	1075.1540	New Section
1075.1210	1075.1550	New Section
1075.1215	1075.1600	New Section
1075.1220	1075.1610	New Section
1075.1225	1075.1620	New Section
1075.1230	1075.1630	New Section
1075.1235	1075.1640	New Section
1075.1240	1075.1650	New Section
1075.1245		New Section

4) Statutory Authority: Authorized by the Savings Bank Act, P.A. 86-1213 (effective August 30, 1990).5) Effective Date of Emergency Rules: September 4, 1990.6) If this Emergency Rule is to expire before the end of the 150-day period, please specify the date on which it is to expire:

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This Emergency Rule will not expire before the end of the 150-day period.

- 7) Date Filed in Agency's Principal Office: August 10, 1990.
- 8) Reason for Emergency: The Savings Bank Act was enacted as law by the Illinois General Assembly in June, 1990 with an effective date of July 1, 1990 or upon the Governor's signing. The Governor signed it August 30, 1990. This Act creates a new depository institution for the State of Illinois, one which combines the elements of commercial banking, retail consumer deposit accounts and residential lendings and services.

The attractiveness of a charter combining these elements and the market demand for the unique combination of services and products has lead to an unprecedented expression of interest in it from financial services investors and existing institutions both locally and nationally. It promises to be a valuable tool in restructuring and further strengthening Illinois residential and retail financial services in the wake of events that precipitated the enactment of the Financial Institution Reform, Recovery and Enforcement Act of 1989.

Many existing Illinois financial institutions have expressed interest in converting to this new savings bank charter. Two have placed the question of conversion on their annual meeting agenda and intend to approve conversions by the end of August or soon thereafter. Many others are in the process of doing the same. Consequently, as with the Governor's signature, the State of Illinois must be able to process and act upon legally filed applications and be able to regulate successfully converted applicants. The rules presented herein are required by The Act as signed by the Governor and are necessary for the processing of applications and to guide users of The Act in structuring operations, corporate organization and activities, business matters, loans and other investment products.

- 9) A Complete Description of the Subjects and Issues Involved:
The Rules promulgated under the authority of the Savings Bank Act will allow state chartered thrifts to convert to state chartered savings banks and retain most of the powers they now have and at the same time simplifying their regulatory structure. Savings banks are common on the Eastern seaboard and as a group are the healthiest of all insured financial institutions.

The commonality of savings banks and thrifts is that they are

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Qualified Thrift Lenders ("QTL") fully insured by the Federal Deposit Insurance Corporation ("FDIC").

One of the differences between a state savings bank and a state savings and loan is that a savings bank meets the Internal Revenue Code's QTL test with 60 percent of its assets invested in housing related loans while a thrift must meet a 70 percent QTL imposed by the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA") (12 U.S.C. 3331 et seq.). Before the passage of the FIRREA the QTL for both charters was 60 percent. The key difference is that savings banks are insured by FDIC and chartered by the state in the same manner as state chartered banks. Since the passage of FIRREA state chartered thrifts are insured by FDIC, chartered by the state, and also regulated by the Office of Thrift Supervision. This has created an uneven playing field for Illinois state chartered thrifts when compared to federal thrifts and state banks.

Many other states, working in conjunction with the American Council of State Savings Supervisors and the FDIC, are drafting model language for a state savings bank charter that will meet the requirements for deposit insurance.

- 10) Are there any other Proposed Amendments Pending to this Part?
Section Numbers Proposed Action Illinois Register Citation No.

- 11) Statement of Statewide Policy Objectives: These Rules will not affect local government.

- 12) Information and questions regarding this Emergency Rule shall be directed to:

Mr. Joseph R. Kirincich, Legislative Liaison
Office of the Commissioner of Savings and Residential Finance
500 East Monroe, Suite 800
Springfield, Illinois 61701-1509

The full text of the Emergency Rules begins on the next page:

NOTICE OF EMERGENCY RULES

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER VIII: COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

PART 1075
SAVINGS BANK ACT

SUBPART A: FILINGS

Section
1075.100 Filings
EMERGENCY
1075.110 Conditions
EMERGENCY
1075.120 Examination Fees
EMERGENCY
1075.130 Supervisory Fees
EMERGENCY
1075.140 Adjusted Supervisory Fees
EMERGENCY

SUBPART B: DEFINITIONS

Section
1075.200 Definitions
EMERGENCY

SUBPART C: REPORTS

Section
1075.300 Contracts
EMERGENCY
1075.310 Financial Reports
EMERGENCY

SUBPART D: OPERATIONS

Section
1075.400 Capital Stock
EMERGENCY
1075.410 Minimum Capital Requirement
EMERGENCY
1075.415 Conflicting Federal Powers, Law and Regulations
EMERGENCY
1075.420 Advertising
EMERGENCY
1075.430 Maintenance of Records
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AUTHORITY: Implementing and authorized by the Savings Bank Act
(P.A. 86-1213, effective August 30, 1990)

SOURCE: Emergency Rules Adopted 14 Ill. Reg. 15029, effective
September 4, 1990 for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

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SUBPART A: FILINGS

Section 1075.100 Filings
EMERGENCY

Filings pertaining to matters named hereafter shall be subject to the indicated fee pursuant to the Savings Bank Act ("The Act") (P.A. 86-1213, effective August 30, 1990). Such fee or fees shall be paid at the Commissioner's Office at the time of filing. Payment shall be by check, draft or money order made payable to the Commissioner of Savings and Residential Finance.

- a) Permit to Organize
(Section 3001 of The Act).....\$ 1,000.00
- b) Merger
(Section 8005 of The Act).....\$ 1,000.00
- c) Sale of Assets
(Section 8010 of The Act).....\$ 1,000.00
- d) Amendment to Articles of Incorporation providing for the Issuance of Permanent Reserve Shares (Section 5004 of The Act) (Section 1075.400 of this Part).....\$ 1,000.00
- e) Conversion from Savings Bank Charter to any Federal Charter (Section 8001 of The Act).....One (1) times the last total annual Supervisory Fee calculated and assessed against the Savings Bank as set forth in Section 1075.130(a) and (b).
- f) Hearing or Oral Argument -- each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument (Section 9018 of The Act) (Sections 1075.725 and 1075.900 of this Part).....\$ 500.00
Each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument shall bear its pro rata share of all expense incurred in said proceedings.
- g) Application for Subsidiary Acquisition Fee (Section 2004 of The Act).....\$ 250.00
- h) Photocopy and Duplication Fees

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- 1) Photocopies (Per Page).....\$.25
- 2) Savings Bank Act.....\$ 25.00
- 3) Rules.....\$ 25.00
- 4) Annual Report.....\$ 25.00
- 5) Mailing Labels.....\$ 35.00

Section 1075.110 Conditions
EMERGENCY

- a) No submission subject to a fee shall be considered complete without the stipulated fee.
- b) The fee shall be non-refundable regardless of the subsequent action with respect to the submission.
- c) The Commissioner may waive the payment of the applicable fee otherwise required by Sections 1075.100 and 1075.110 of this Part when:
 - 1) the Commissioner determines that the respective merger or bulk sale of assets avoids the need for the Commissioner to take custody of the respective savings bank pursuant to Section 10001 of The Act; or
 - 2) the establishment of a branch office is at the location of the home office of the savings bank which ceases to exist as the result of a merger or bulk sale of assets which avoids the need for the Commissioner to take custody of the respective savings bank pursuant to Section 10001 of The Act; or
 - 3) the termination of operation and closing of a branch office pertains to a branch office of a savings bank which ceases to exist as the result of a merger or bulk sale of assets which avoids the need for the Commissioner to take custody of the respective savings bank pursuant to Section 10001 of The Act and the closing of the respective branch office is a condition stipulated in the plan of the respective merger or bulk sale of assets.

Section 1075.120 Examination Fees

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EMERGENCY

- a) Time expended in the conduct of any examination of the affairs of any savings bank or service corporation pursuant to Section 9004 of The Act or applicable service corporation undertakings, respectively, shall be billed by the Commissioner at a rate of \$29.00 per examiner hour. Such fee shall be billed within forty-five (45) days following completion of the respective examination.
- b) When out-of-state travel occurs in the conduct of any examination, the savings bank or service corporation will be billed for expenses incurred in the performance of duties. Billings for such expense shall not exceed amounts authorized pursuant to the travel regulations of the Department of Central Management Services/Governor's Travel Control Board (80 Ill. Adm. Code 2800). In the situation where examination procedures are performed at out-of-state locations, the examination fee of \$29.00 per hour plus travel, lodging and per diem shall be assessed. Additionally, travel time shall be billed at the examination rate of \$29.00 per hour.

Section 1075.130 Supervisory Fees

EMERGENCY

- a) The Commissioner shall receive and there shall be paid to the Commissioner by each savings bank and each service corporation operating under The Act, a fixed fee of \$450.00, plus a variable fee based on the total assets of each savings bank and each service corporation as shown on the financial report filed with the Commissioner for the reporting period of the prior calendar year ended December 31 according to the following schedule: 22.5¢ per \$1,000 of the first \$2,000,000 of total assets, 20.25¢ per \$1,000 of the next \$3,000,000 of total assets, 18.0¢ per \$1,000 of the next \$5,000,000 of total assets, 15.75¢ per \$1,000 of the next \$15,000,000 of total assets, 13.5¢ per \$1,000 of the next \$25,000,000 of total assets, 11.25¢ per \$1,000 of the next \$50,000,000 of total assets, 9.0¢ per \$1,000 of the next of the next \$400,000,000 of total assets, 6.75¢ per \$1,000 of the next \$500,000,000 of total assets, and 4.5¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such savings bank or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for

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- calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle (Mortgage Backed Securities, Real Estate Mortgage Income Certificates, and other securitized debt instruments), the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.
- b) The Commissioner shall receive and there shall be paid to the Commissioner by each savings bank a fee of \$450.00 for each approved branch office or facility office established under Subpart G of this Part. The determination of such fees shall be made annually as of the close of business of the prior calendar year ended December 31.
 - c) One fourth of the sum of the supervisory fee so determined shall be remitted at the time of each calendar quarter end. A calendar quarter end shall mean March 31, June 30, September 30 and December 31. Such fees shall be for the respective current year.
 - d) Supervisory fees shall be determined by the Commissioner within ninety (90) days following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.
 - e) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event a savings bank elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where a savings bank elects to not continue operations), or, the savings bank has transferred significant assets (more than 1/2 of 1 percent of the total assets at the previous measurement date).
 - f) The Commissioner may waive part of the first annual supervisory fee specified under subsection (a) above, for a savings and loan association that has paid the fee for conversion to federal charter as required under the rules

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promulgated pursuant to the Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 400.110(b)). Such waiver, if any is granted, shall be in accordance with the following schedule:

- 1) for conversions that were completed less than twelve (12) months but greater than six (6) months before the issuance of a savings bank charter, 25 percent may be waived; and
- 2) for conversions that were completed less than six (6) months before the issuance of a savings bank charter, 50 percent may be waived.

Section 1075.140 Adjusted Supervisory Fees
EMERGENCY

- a) The Commissioner shall receive and there shall be paid to the Commissioner an additional fee as an adjustment to the supervisory fee specified in Section 1075.130 of this Part, to be based upon the difference between the total assets of each savings bank and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 on which the supervisory fee was based, and the total assets of each savings bank and each service corporation as shown by its financial report filed with the Commissioner for the reporting period of the calendar year ended December 31 in which the quarterly payments referred to in Section 1075.130 of this Part are made according to the following schedule:

22.5¢ per \$1,000 of the first \$2,000,000 of total assets,
20.25¢ per \$1,000 of the next \$3,000,000 of total assets,
18.0¢ per \$1,000 of the next \$5,000,000 of total assets,
15.75¢ per \$1,000 of the next \$15,000,000 of total assets,
13.5¢ per \$1,000 of the next \$25,000,000 of total assets,
11.25¢ per \$1,000 of the next \$50,000,000 of total assets,
9.0¢ per \$1,000 of the next \$400,000,000 of total assets,
6.75¢ per \$1,000 of the next \$500,000,000 of total assets,
and 4.5¢ per \$1,000 of all total assets in excess of \$1,000,000,000 of such savings bank or service corporation. In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for calculation of this fee. If the finance subsidiary is not active and is in the form of a collateralized Mortgage Obligation or a similar vehicle, the

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Commissioner shall waive that portion of the fee attributed to the finance subsidiary.

- b) Adjusted supervisory fees shall be remitted on March 31 of the next calendar year. In the event the total assets of each savings bank and each service corporation as reported on the earlier financial report are more than the total assets as reported on the later annual report, the Commissioner shall credit the next quarterly remittance of the supervisory fee in the same proportion.
- c) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event a savings bank elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where a savings bank elects to not continue operations); or, the savings bank has transferred significant assets (more than 1/2 of 1 percent of the total assets at the previous measurement date).

SUBPART B: DEFINITIONS**Section 1075.200 Definitions**
EMERGENCY

Words or terms that are defined in The Act shall retain the same meaning when used in this Part.

"COMPANY" means any corporation, partnership, business trust, association, or similar organization, or any other trust unless by its terms it must terminate within twenty-five (25) years or not later than twenty-one (21) years and ten (10) months after the death of individuals living on the effective date of the trust, but shall not include any corporation the majority of the shares of which are owned by the United States or by any state.

"CONTROLLING INTEREST" means a person, or company has a controlling interest in a proposed savings bank, a lender, or a company, if the person, or company:

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directly or indirectly or acting through one or more other persons or companies owns, controls, or has power to vote 25 percent or more of any class of voting securities at the proposed savings bank, lender, or company; or

controls in any manner the election of the majority of the directors or trustees of the proposed savings bank, lender, or company; or

the Commissioner determines, after a hearing, that the company directly or indirectly exercises a controlling influence over the management policies of the proposed savings bank, lender, or company; or

directly or indirectly or acting through one or more other persons or companies, owns, controls, or has power to vote 25 percent or more of any class of securities that invests the owner, controller, or voter with the right to vote to approve or disapprove of voluntary corporate changes and amendment of the Articles of Incorporation and bylaws.

"LENDER" means a secured or unsecured creditor or creditors named as such in the debt obligation and documents, creating any security interest.

SUBPART C: REPORTS

Section 1075.300 Contracts
EMERGENCY

a) A savings bank entering into a contract, except employment contracts, loans on savings accounts, or contracts with consideration of less than twenty-five thousand dollars (\$25,000.00), with any of the following:

- 1) any person owning 10 percent or more of the outstanding shares of stock of the savings bank, if that savings bank issues stock; or
- 2) any director, officer, employee, agent, or attorney of the savings bank; or
- 3) any representative, partner or immediate relative of an officer, director or 10 percent shareholder

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of the savings bank or savings bank holding company; or

4) any corporation in which any of the above persons have a 10 percent interest; or

5) any trust in which any of the above persons have an interest, shall forward a copy of such contract to the Commissioner within ten (10) days after the execution of such contract.

b) Any savings bank knowingly entering into a contract with a director, officer, or a 10 percent or more shareholder of any other financial institution either directly or with a corporation or trust in which such director, officer, or 10 percent or more shareholder owns 10 percent or more of the voting stock of that corporation, or has a beneficial interest in that trust, shall forward a copy of such contract to the Commissioner within ten (10) days after the execution of such contract.

c) Every contract entered into by a savings bank of a kind or nature stated in subsection (a) or (b) above, shall be approved by the board of directors of that savings bank, and such approval shall be reflected in the minutes of the meeting of the board of directors and kept on file at the savings bank.

Section 1075.310 Financial Reports
EMERGENCY

Each savings bank shall file monthly and quarterly financial reports on such forms as are prescribed by the Commissioner. Such reports shall be delivered to the Commissioner by the twentieth (20) day of the month following the month end or fiscal quarter end for which the report applies. Any savings bank that fails to submit required reports in the time prescribed by Section 1075.310 of this Part shall be subject to fine as provided for in The Act.

SUBPART D: OPERATIONS

Section 1075.400 Capital Stock
EMERGENCY

a) A savings bank proposing to adopt an amendment to its Articles of Incorporation to provide for the issuance of capital stock pursuant to Section 5004 of The Act shall comply with Sections 4002, 5003, and 8001 of The Act.

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In addition, the following shall be filed with the Commissioner:

- 1) one certified copy of the board of directors' resolution adopting the proposed amendment to the Articles of Incorporation, which amendment shall incorporate the Plan of Conversion from mutual to stock form of ownership; and
- 2) one copy of all forms, filings and amendment thereto necessary to comply with applicable Federal Deposit Insurance Corporation regulations.
- b) Upon receipt of all documents enumerated in subsection (a) above, the Commissioner shall issue a Certificate of Approval of amendment to the Articles of Incorporation.

Section 1075.410 Minimum Capital Requirement
EMERGENCY

- a) The Commissioner may establish a minimum capital level for a savings bank at such amount or at such ratio of capital-to-assets as the Commissioner determines to be necessary or appropriate in consideration of the circumstances of the savings bank.
- b) For a financial institution applying to convert to a savings bank charter, the Commissioner may accept as being in full compliance with Section 5001 of The Act a financial institution with less than the minimum capital required therein if the financial institution has an approved capital plan under the Financial Institution Supervisory Act of 1966 (12 U.S.C. 1464), and the Commissioner finds that the financial institution is otherwise being operated in a safe and sound manner. Such determination shall be made after review of financial reports and statements, reports of examination and other such information as the Commissioner shall consider necessary for making a determination that the financial institution is being operated in a safe and sound manner.

Section 1075.415 Conflicting Federal Powers, Law and Regulations
EMERGENCY

With regard to the exercise of any power derived from Section 1006(a) of The Act, and in case of conflict between The Act and any other statute or regulation from which a power is derived under

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Section 1006(a) of The Act, or in cases where clarification is sought regarding the manner of exercising a derived power, its context or the limits to be observed in its exercise, The Act, the Federal Deposit Insurance Act (12 C.F.R. 300 et seq.) and the Federal Deposit Insurance Corporation Rules (12 U.S.C. 1811 et seq.) shall prevail.

Section 1075.420 Advertising
EMERGENCY

If a savings bank advertises a rate of return on any class of deposit account and there are restrictions or conditions which must be complied with in order for the investor to be entitled to receive such rate, such advertising shall clearly set forth such restrictions or conditions. The terminology shall be consistent with Section 7001 of The Act.

Section 1075.430 Maintenance of Records
EMERGENCY

To enable the Commissioner to examine a savings bank, holding company, service corporation or affiliate of a savings bank pursuant to Section 9004 of The Act, each savings bank shall establish and maintain such accounting, files and other material business transacted, and the documents, files and other material comprising such records shall at all times be available for examination wherever any of such files, documents or materials may be. At a minimum, a savings bank and service corporations shall establish and maintain the following records.

a) Disbursement Records

A savings bank's funds shall be disbursed in accordance with a resolution adopted by the board of directors and reviewed at least annually. Each disbursement shall be documented to show the date, the amount and the purpose of the disbursement and the names of the person or persons or other entities receiving such disbursements whether paid directly, indirectly or through an escrow.

b) Record Retention

- 1) Before approving any loan or issuing any commitment, a savings bank shall determine that every person that proposes to become liable to the savings bank has the financial ability to service the proposed debt. The procedure for determining the financial

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capacity of every person that proposes to become liable to the savings bank shall be in accordance with procedures adopted by the board of directors and reviewed at least annually. Thereafter, a savings bank shall retain the application and other documentation supporting each loan, as well as the complete servicing record, as part of the records of the savings bank throughout the duration of the savings bank's investment in the respective loan.

- 2) A savings bank shall retain each rejected loan application and the information in support thereof for a period of thirty-six (36) months following such rejection.

c) The Savings Bank shall:

- 1) require every borrower that is:

- A) a trust to provide a certification by the trustee listing the current beneficiaries of the trust;

- B) a corporation to provide a certification by the corporate secretary listing the names and percentage of ownership of all 10 percent or more shareholders; and

- C) a partnership to provide a certified list of partners.

- 2) retain such documents as a part of the savings bank's records and that shall be maintained throughout the duration of the savings bank's investment in the respective loan.

- d) The approval for any loan or other investment made, or to be made, by a savings bank shall be given only by persons authorized by a resolution adopted by the board of directors at least annually. The conditions of approval and the signature of the person or persons granting such approval shall become a part of the savings bank's records.

- e) No disbursement shall be made on any loan or other investment until the loan or other investment is entered on the books of the savings bank and is in compliance with Section 1075.430 of this Part and those of this Part

have been met.

f) Loan Registers

- 1) A savings bank shall maintain one or more loan registers which shall contain the original entry and be a permanent record, and shall show for every loan the account number, date of the loan, amount of the loan, name of the borrower, nature of security by types, the amount of fees, the amount of the note, including precomputed loans, rate of interest, the term of the loan, and such other information as desired by the savings bank.

- 2) All loan registers shall be kept numerically by number of loans in order made.

g) Loans Secured By Real Estate

- 1) An application for the loan, signed by the borrower or its agent, in such form and containing such information as will disclose the purpose for the loan, that is construction, purchase, refinancing, and the identity of any security property.

- 2) A note evidencing the borrower's debt to repay the amount of the loan, executed by the borrower or its agent.

- 3) A copy of the deed of trust or mortgage instrument on the real estate or other document customarily used in the jurisdiction in which the real estate security is located, evidencing the creation of a security interest in the real estate for the benefit of the lender, which deed of trust, mortgage instrument, or other document has been signed by the borrower or the borrower's agent; and, if the loan is made to finance the purchase of the real estate security for the loan, a signed statement by the borrower or its agent, as part of or as an attachment to the application for the loan, disclosing the purchase price of such real estate security.

- 4) One or more written appraisal reports, prepared at the request of the lender or its agent and for the lender's use, and signed before the approval of such application (except in the case of an approval

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conditioned upon obtaining an appraisal) that satisfies the requirements of Section 6001 of The Act, or, if such loan is an insured loan or a guaranteed loan, a certification of the valuation assigned to real estate security by the appraiser accepted by the insuring or guaranteeing agency and furnished to the lender by such agency.

5) Documentation showing the financial ability of the borrower to repay the loan, or a written credit report prepared by the savings bank or by others at the request of the savings bank.

6) Documentation showing when and by whom such loan was approved and any terms of such approval.

7) Documentation showing the date, amount, purpose, the recipient of every disbursement of the proceeds of such loan, and to the best of the lender's knowledge, any actual recipient of any proceeds when the stated recipient is acting as an agent or intermediary for another.

8) An opinion signed by the lender's attorney, a title insurance policy, or other documentary evidence customarily used in the jurisdiction in which the real estate security is located, affirming the quality and validity of the lender's lien on the real estate security for the loan.

9) Documentation showing that the savings bank, upon the closing of the loan, furnished to the borrower, a loan settlement statement setting forth in detail the charges or fees the borrower has paid or is obligated to pay to such savings bank or to any other concern or person in connection with the loan, which documentation shall include a copy of the loan settlement statement.

10) A record showing the status and current payment of taxes, assessments, insurance premiums, other charges on the security for the loan, and documenting any loss incurred on the loan security, as well as any amounts recovered pursuant to an insurance settlement of such loss.

11) Documentation evidencing any modifications of the original documents by which a security interest for

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the benefit of the lender was created, showing appropriate approval of each party to such modification.

12) Documentation evidencing any release of any portion of the collateral pledged to secure the loan, showing the portion of the collateral released, the consideration, if any, paid to effect such release, and a record of the appropriate approval of each such release.

h) Loans Not Secured By Real Estate

The records with respect to each unsecured loan or loan not secured by real estate that the savings bank makes shall include the documents referred to in subsection (g) above. If the loan is secured by collateral other than real estate, the lender's records also shall include documents evidencing the creation and perfection of a security interest in the collateral, including any financing statement. In addition, if the loan is made to a business entity, the records shall include documentation showing whether the obligor on the loan can generate sufficient cash flow to meet scheduled interest and debt reduction payments, and if not sufficient, the records shall include documentation demonstrating the anticipated source of the borrower's payments.

i) Records With Respect to the Acquisition of Mortgaged Security

A savings bank shall maintain a record which discloses every instance that it commences action to acquire the real estate security for a loan, by foreclosure or otherwise, and the ultimate disposition of such action. Such record shall include identification of the real estate security and loan, shall itemize all fees and charges incurred in such action, shall name the recipient or recipients to whom any such fees and charges were paid, and shall identify the holder of title to such real estate as a result of such action.

j) Records with Respect to Deposit Accounts

The records of a savings bank with respect to each deposit account it issues shall include the

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signature of the owner of such account or the duly authorized representative of such owner, together with a record reflecting the balance, in such account. Notwithstanding the preceding requirement, no account signature card for a trust executed by its trustee(s) of information disclosing the names of the settlor or trustee(s) of the trust need be maintained in the record of a savings bank.

k) Minutes of Meetings

All minutes of meetings of the board of directors, committees of the board of directors and management committees shall be maintained at the corporate offices of the savings bank. All minutes of meetings of the board of directors of a savings bank shall be recorded in books with prenumbered pages. The use of any non-consecutively numbered shall be supported by a signed affidavit from the corporate Secretary indicating the reason for the use of non-consecutively numbered pages.

l) Transfer of Records

A savings bank shall not transfer the location of any of its general accounting or control records from its home office to a branch or other office, or from a branch or other office to its home office or to another branch or office unless the savings bank has sent prior written notice of such transfer to the Commissioner.

m) Data Processing

- 1) A savings bank which maintains its records by a data processing service shall, before establishing such service, notify the Commissioner in writing. Such notice shall be delivered at least ninety (90) days before the date on which such maintenance of records will begin. Such notification shall include identification of the records to be maintained by data processing services and a statement as to the location at which such information will be maintained. Any contract shall expressly provide that the records to be maintained by such services shall at all times be available for examination by the Commissioner.

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- 2) A savings bank's data processing service center shall provide, annually, a copy of the third party audit review, if performed.

Section 1075.440 Business Plan
EMERGENCY

- a) All savings banks whose operations are considered unsafe or unsound or who have total capital less than the amount required under Section 5007 of The Act, or any condition which would endanger the ongoing viability of the savings bank, shall develop a business plan and have the same available for review by the examiners. The period covered by the business plan shall not be less than one (1) year, but may be for any greater number of periods that the Commissioner may require. Each such plan shall contain the following:
 - 1) introduction;
 - 2) mission statement;
 - 3) corporate objectives;
 - 4) corporate strategies; and
 - 5) financial projections for the period covered by the business plan.
- b) The savings bank's business plan shall be reviewed to determine its continued viability in accordance with current economic conditions and approved or revised, as determined by the board of directors, at least annually.

Section 1075.450 Excess Insurance
EMERGENCY

- a) Section 1005 of The Act allows savings banks to secure deposit insurance in excess of the amounts available under federally sponsored programs. Such excess insurance may be obtained only through an entity authorized to do business in this State and which is under the regulation of the Illinois Department of Insurance. Providers of excess insurance must be pre-approved by the Commissioner. Each approved insurer shall be found to be financially sound and to employ approved actuarial practices.

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- b) Before entering into an agreement to obtain excess insurance a savings bank must notify the Commissioner of its intent. Such notice shall include a copy of the proposed contract and sufficient information regarding the proposed insurer to allow the Commissioner to determine as to the financial stability of the proposed insurer. The Commissioner shall have thirty (30) days in which to notify the savings bank of any objection(s) that the Commissioner may have. Any request for additional information that the Commissioner may make shall be made within twenty (20) days of receipt of the notice. Failure of the Commissioner to notify the savings bank within the thirty (30) days as prescribed above shall constitute a finding of no objection.
- c) To obtain approval from the Commissioner, any prospective provider of excess insurance shall agree to provide the Commissioner with any information he considers necessary to determine as to the current and continuing financial condition of the proposed insurer. This information shall include but not be limited to the following:

- 1) quarterly financial reports;
 - 2) report of audit conducted by an independent certified public accountant;
 - 3) copies of minutes of board of directors' meetings; and
 - 4) copies of examination reports made by examiners for any regulatory agency.
- d) Any insurer shall agree as a condition of approval to submit to examination by the Commissioner. The cost of any such examination shall be paid by the insurer. The cost of the examination shall be based on the same fee schedule that applies to savings banks.

Section 1075.455 Vacancies in the Board of Directors
EMERGENCY

If one (1) or more vacancies occur on a board of directors of a savings bank, the remaining directors may continue management of the savings bank, including consenting to any enforcement actions or any other regulatory or supervisory requirements. If the number of directors falls below five (5), the remaining directors or the officers of the savings bank shall so inform the Commissioner

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within five (5) business days of the loss of the fifth director. The remaining directors shall elect temporary directors at the next regular or special meeting of the board of directors. Temporary directors' terms shall expire at the next regular or special meeting of voting members of the savings bank.

Section 1075.460 Bond of Officers, Directors, Employees and Agents
EMERGENCY

Every savings bank shall maintain bond coverage with a bonding company acceptable to the Commissioner for every officer, director, employee and agent of the savings bank or such other persons in positions requiring the receipt, payment, management or use of money belonging to the savings bank or whose duties permit or require access to or custody of a savings bank's assets or require the making of entries on the books and records of the savings bank.

- a) Bond Schedule. The minimum amount of such bond shall be based on total consolidated assets of the savings bank and its subsidiaries in accordance with the following schedule.

<u>Total Assets</u>	<u>Minimum Coverage</u>
Less than \$1,000,000	\$135,000.
\$ 1,000,001 to \$ 10,000,000	\$135,000 plus \$25,000 for each \$1,000,000 or fraction thereof over \$1,000,000.
\$ 10,000,001 to \$ 50,000,000	\$360,000 plus \$50,000 for each \$5,000,000 or fraction thereof over \$10,000,000.
\$ 50,000,001 to \$500,000,000	\$760,000 plus \$75,000 for each \$25,000,000 or fraction thereof over \$50,000,000.
Over \$500,000,000	\$2,110,000 plus \$100,000 for each \$50,000,000 over \$500,000,000.

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- b) No savings bank shall be required to maintain bond coverage in an amount greater than \$3,000,000.
- c) Coverage in excess of the above minimum requirements is optional at the discretion of the board of directors of the savings bank.
- d) The bond shall not provide for more than one deductible from all losses caused by the same person or caused by the same persons acting in collusion or combination in cases which such losses result from dishonesty. A deductible shall not exceed an amount determined in accordance with the following schedule

Total Capital

Less than 4 percent of total assets

Greater than 4 percent but less than 6 percent of total assets

Greater than 6 percent of total assets

- e) The bond shall be in the form known as Standard Form No. 22, Standard Form No. 24 or an equivalent as determined by the Commissioner.

Section 1075.465 Indemnification of Officers, Directors, Employees and Agents
EMERGENCY

- a) No officer, director, employee, or agent of a savings bank may be indemnified by a savings bank against any expense incurred, if the officer, director, employee or agent:
 - 1) is subject to an Order of Removal, Suspension, or Industrywide Prohibition under The Act or these rules; or
 - 2) is subject to a final order assessing civil money penalties or requiring affirmative action by an individual or individuals in the form of payments to the savings bank.

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- b) In accordance with supervisory responsibilities, the Office of the Commissioner may, in his or her discretion, review the threat to bank safety and soundness posed by any indemnification or proposed indemnification of officers, directors, employees, or agents by a savings bank or for the consistency of any such indemnification with the standards adopted by that savings bank in its articles. Based upon this review, the Commissioner may direct a modification of a specific indemnification by a savings bank through administrative action.

Section 1075.470 Deceptively Similar Names
EMERGENCY

- a) No savings bank may adopt or use any name deceptively similar to that of another currently existing savings bank or financial institution that is located within the area as defined as follows:

1) within the counties of Cook, Lake, DuPage, McHenry, Kane and Will, a radius of one mile of the main office of another savings bank or other financial institution; and

2) within all other counties of the State, excluding those specifically identified in subsection (a) above, a radius of 50 miles of a savings bank or other financial institution.

- b) For purposes of Subpart D of this Part the determination of the deceptive similarity of a name shall be made by the Commissioner or such other person or persons as are authorized to act on the Commissioner's behalf.

- c) A savings bank chartered under The Act must use the words "Savings Bank" or the initials "SB" in their name.

Section 1075.480 Manner of Display of Annual Meeting Notice
EMERGENCY

Notice as required pursuant to Section 4003(a) of The Act shall be displayed and take such form as required in the following:

- a) on a sign, poster, or paper no smaller in size than 8 1/2 inches by 11 inches;
- b) with bold print no smaller than 12 points; and

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- c) located in plain view of customers at each business location with at least one (1) copy on or near each door or entrance accessible to the general public.

Section 1075.490 Procedures for Exercise of Dissenters Rights EMERGENCY

Pursuant to Section 4012(c) of The Act, the procedures to be used by savings banks and dissenters in arriving at a value and price for dissenters' shares, as well as how distribution shall be made shall be as follows.

- a) Within ten (10) days after the date on which the action giving rise to the right to dissent is effective or thirty (30) days after the shareholder delivers to the savings bank the written demand for payment, whichever is later, the savings bank shall send each shareholder who has delivered a written demand for payment a statement setting forth the opinion of the savings bank as to the estimated value of the shares, the savings bank's latest balance sheet as of the end of a fiscal year ending not earlier than sixteen (16) months before the delivery of the statement, together with the statement of income for that year and the latest available interim financial statements, and either a commitment to pay for the shares of the dissenting shareholder at the estimated value thereof upon transmittal to the savings bank of the certificate or certificates, or other evidence of ownership, with respect to such shares, or instructions to the dissenting shareholder to sell his or her shares within ten (10) days after delivery of the savings bank's statement to the shareholder. The savings bank may instruct the shareholder to sell only if there is a public market for the shares at which the shares may be readily sold. If the shareholder does not sell within such ten (10) day period after being so instructed by the savings bank, for purposes of Section 1075.490 of this Part, the shareholder shall be deemed to have sold his or her shares at the average closing price of such shares, if listed on a national exchange, or the average of the bid and asked price with respect to such shares quoted by a principal market maker, if not listed on a national exchange, during such ten day period.

- b) If the shareholder does not agree with the opinion of the savings bank as to the estimated value of the shares, the shareholder, within thirty (30) days from the delivery

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of the savings bank's statement of value, shall notify the savings bank in writing of the shareholder's estimate of value and demand payment for the difference between the shareholder's estimate of value and the amount of the payment by the savings bank or the proceeds of sale by the shareholder, whichever applies because of the procedure for which the savings bank opted pursuant to subsection (a) above.

- c) If, within sixty (60) days from delivery to the savings bank of the shareholder notification of estimate of value of the shares, the savings bank and the dissenting shareholder have not agreed in writing upon the value of the shares, the savings bank shall either pay the difference in value demanded by the shareholder or file a petition in the circuit court of the county in which either the registered office or the principal office of the savings bank is located, requesting the court to determine the fair value of the shares. The savings bank shall make all dissenters, whether residents of this State, whose demands remain unsettled parties to the proceeding as an action against their shares and all parties should be served with a copy of the petition. Nonresidents may be served by registered or certified mail or by publication as provided by law. Failure of the savings bank to commence an action pursuant to Section 1075.490 of this Part shall not limit or affect the right of the dissenting shareholders to otherwise commence an action as permitted by law.

- d) The jurisdiction of the court in which the proceeding is commenced under subsection (c) above by a savings bank is plenary and exclusive. The court may appoint one or more persons as appraisers to receive evidence and recommend decision on the question of fair value. The appraisers have the power described in the order appointing them, or in any amendment to it.

- e) Each dissenter made a party to the proceeding is entitled to judgment for the amount, if any, by which the court finds that the fair value of his or her share exceeds the amount paid by the savings bank or the proceeds of sale by the shareholder, whichever amount applies. The judgment shall include an allowance for interest at such rate as the court may find to be fair and equitable in all the circumstances, from the date on which the corporate action giving rise to the right to dissent is approved to the date of payment.

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- f) The court, in an appraisal proceeding commenced under subsection (c) above, shall determine all costs of the proceeding, including the reasonable compensation and expenses of the appraisers, if any, and experts employed by any party, but shall exclude the fees and expenses of counsel for any party. If the fair value of the shares as determined by the court materially exceeds the amount which the savings bank offered to pay for those shares, or if no offer was made, then all or any part of such expenses may be assessed against the savings bank. Except as otherwise provided in Section 1075.490 of this Part, the practice, procedure, judgment and costs shall be governed by the Code of Civil Procedure (Ill. Rev. Stat. 1989, Ch. 110, par. 1-101 et seq.).

SUBPART E: INVESTMENTS

Section 1075.500 Prudent Person Rule
EMERGENCY

- a) When making an authorized investment of savings bank funds, the board of directors, all officers, employees, and agents of any kind must exercise the judgment and care under circumstances then prevailing that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

- b) A violation of The Act shall constitute an unsafe and unsound practice. Any person who knowingly violates any provision of The Act shall be subject to enforcement action or civil money penalties as provided for in The Act.

Section 1075.505 Investment Underwriting Practice
EMERGENCY

A savings bank may grant a loan or invest in other authorized assets under The Act.

- a) For all types of secured and unsecured loans granted, and other investments entered into, a savings bank's board of directors shall establish and approve, at least annually, written loan underwriting and other investment policies and procedures. These policies and procedures shall set forth criteria sufficient to allow a decision

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to be made in accordance with Section 1075.500 of this Part.

- b) Documentation for each loan and other investment shall identify the specific statutory and/or regulatory provision under which it was approved.
- c) A loan or other investment may be apportioned among appropriate categories, and may be moved, in whole or part, from one category to another as follows.

- 1) To classify a loan as a real estate loan, a savings bank must rely substantially upon the real estate as the primary security for the loan.

- 2) For purposes of determining whether aggregate investments under this Part exceed an applicable percentage-of-assets limitation, a loan commitment shall be counted as an investment and shall be included in total assets of a savings bank only to the extent that funds have been advanced (and not repaid) pursuant to the commitment. The term "loan commitment" used in the preceding sentence includes a loan in process, a letter of credit, or any other commitment to extend credit.

- 3) Loans sold to a third party shall be included in calculation of a percentage-of-assets investment limitation only to the extent they are sold with recourse.

- 4) A savings bank may make a loan secured by assignment of loans to the extent that it could, under applicable law and regulations, make or purchase the underlying assigned loans.

- d) The written policies and procedures pertaining to loans secured by collateral other than real estate, mobile home chattel paper, or the cash surrender value of life insurance shall provide specific procedures for determining the value of the respective collateral. The procedures shall provide that every appraisal, or reappraisal, shall be made by an independent qualified appraiser, designated by the board of directors. The appraiser must be properly licensed and certified by the entity authorized to govern licensure and certification of appraisers and must meet the requirement of the Appraisal Subcommittee pursuant to the Financial

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Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) as defined in Section 6001(g) of The Act.

Section 1075.510 Discrimination and Redlining EMERGENCY

- a) It shall be considered discriminatory to refuse to grant loans or to vary the terms of loans or the application procedures for loans because of:
 - 1) in the case of the proposed borrower, said borrower's race, color, religion, national origin, age, sex, physical disability or marital status; or
 - 2) in the case of a mortgage loan, the geographic location of the proposed security.
- b) A presumption of discrimination shall be attached to any inquiry regarding a loan authorized by the savings bank's board of directors when:
 - 1) a savings bank refused to accept a written application; or
 - 2) a loan application is rejected and not supported by adequate documentation which includes information sufficient to permit an informed non-interested party to reach the same conclusion as the lender concerning the disposition of the application.
- c) In cases of a savings bank's non-compliance with Subpart E of this Part, the Commissioner, by written notice, shall require that all inquiries for loans received from proposed borrowers be accepted in writing on application forms that provide information sufficient to make an informed decision concerning the final disposition of the respective loan application. Thereafter, the savings bank shall submit a copy of each rejected application to the Commissioner with a written statement setting forth the reason for rejecting the application, and a copy of each document supporting the decision.
- d) A savings bank shall be required to comply with the Commissioner's directive issued pursuant to subsection (c) above for a minimum of six (6) months. Should a presumption of discrimination exist at the close of the six-month period, the respective savings bank shall be

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required to continue such reporting until such later date when the Commissioner, by examination, determines that discriminatory practices have ceased and the savings bank is so notified.

Section 1075.515 Loans Secured by Real Estate EMERGENCY

- a) A savings bank may originate, invest in, sell, purchase, service, participate, or otherwise deal in (including brokerage or warehousing) real estate loans or interest in such loans.
- b) In determining compliance with the maximum loan-to-value limitations specified in Subpart E of this Part, a savings bank shall add to the loan amount the total of all other existing liens or other encumbrances on the security property having priority over the savings bank lien (including the lien to be established by the savings bank but excluding liens that will be released as the result of payments made from the proceeds of the new loan).
- c) At the time of origination, a real estate secured loan granted under the provisions shall not exceed the maximum loan-to-value ratio as follows.
 - 1) At the time of origination, a real estate loan may not exceed 95 percent of the market value of the security property. A savings bank shall, by a vote of its board of directors, establish maximum loan-to-value ratios for loans made on the security of real estate, and the resolution adopting such ratios shall be included in the minutes of the directors' meeting. Home loans made on the combined security of real estate and savings accounts may be made in excess of the maximum loan-to-value ratios adopted pursuant to Section 1075.515 of this Part with such excess secured by the savings account. However, for loans originated in excess of 90 percent of the initial appraised value of the security property, the savings account shall consist only of funds belonging to the borrower, the borrower's family, or the borrower's employer.
 - 2) With respect to home loans originated or refinanced in excess of 90 percent of the appraised value of the security property, that part of the unpaid

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balance that exceeds 80 percent of the property's value shall be insured or guaranteed by a mortgage insurance company that this Office has determined to be a "qualified private insurer."

3) With respect to all other loans on the security of real estate originated in excess of 90 percent of the appraised value of the security property, a savings bank's board of directors shall approve each such loan before its origination and such approval shall be recorded in the minutes of its meeting.

4) In determining compliance with the maximum loan-to-value-ratio limitations for real estate loans, at the time of making a loan a savings bank shall add together the unpaid amount, or in the case of a line-of-credit loan the approved credit limit, of all recorded loans secured by prior mortgages, liens or other encumbrances on the security property that would have priority over the savings bank's lien, and shall not make such a loan unless the total amount of such loans (including the one to be made but excluding loans that will be paid off out of the proceeds of the new loan) does not exceed the applicable maximum loan-to-value-ratio limitations prescribed in subsection (c) above. In valuing the real estate security, a savings bank shall use the current appraised value of the security property, which may include any expected value of improvements to be financed. "Value" for a real estate loan means the market value of the real estate.

5) At origination, the loan balance may not exceed the maximum loan-to-value ratios established pursuant to this Part. During the term of the loan, the loan-to-value ratio may increase above the maximum permissible percentage if the increase results from an adjustment authorized by subsection (c) or subsection (c)(1) above. The Office will assume continued compliance with the loan-to-value limitations where the original ratio met the requirements of subsection (c), but in no event may the loan balance exceed 100 percent of the original appraised value of the property during the term of the loan, unless pursuant to subsection (c)(6)(B)(i) or unless the loan contract provides that the payment shall be adjusted at least once every five (5) years, beginning not later than the tenth (10)

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year of the loan, to a level sufficient to amortize the loan at the then-existing interest rate and loan balance over the remaining term of the loan. If, at maturity of a home loan that provides for adjustments pursuant to subsection (c)(6), the ratio of the loan balance to the current market value of the security property exceeds the maximum permissible under this Part, the savings bank may offer to refinance the loan if:

- A) it complies with subsection (c)(2) above; and
- B) the loan contract requires that, in addition to full or partial amortization of the loan, the pro-rata portion, based on the number of installments due annually, of estimated annual taxes and assessments on the security property be paid in advance to the savings bank with each installment payment.

6) Adjustments - for any home loan secured by borrower-occupied property, or property to be occupied by the borrower, adjustments to the interest rate, payment, balance, or term to maturity shall comply with the limitations of subsection (c)(5) above.

- A) Adjustments to the interest rate shall correspond directly to the movement of an interest rate index or of a national or regional index that measures the rate of inflation or the rate of change in consumer disposable income, which index is readily available to and verifiable by the borrower and is beyond the control of the savings bank. A savings bank also may increase the interest rate pursuant to a formula or schedule that specifies the amount of the increase, the time at which it may be made, and which is set forth in the loan contract. A savings bank may decrease the interest rate at any time.

B) Adjustments to the payment and the loan balance that do not reflect an interest rate adjustment may be made if:

- i) the adjustments reflect a change in a national or regional index that measures the rate of inflation or the rate of

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change in consumer disposable income is readily available to and verifiable by the borrower, and is beyond the control of the savings bank;

ii) in the case of a payment adjustment, the adjustment reflects a change in the loan balance or is made pursuant to a formula, or to a schedule specifying the percentage or dollar change in the payment as set forth in the loan contract; or

iii) in the case of an open-end line-of-credit loan, the adjustment reflects an advance taken by the borrower under the line-of-credit and is permitted by the loan contract.

C) Any combination of indices or a moving average of index values may be used as an index, and a savings bank may use more than one index during the term of a loan, if set forth in the loan contract.

D) In the case of an open-end line-of-credit loan, notice of an adjustment to the payment or the balance need not be given if the adjustment reflects advances taken by the borrower under the line of credit, and advance notice of a change in the interest rate permitted by the loan contract (and any resulting change in the payment) need not be given. In the case of a non or partially-amortized loan, (including a loan with a "call" provision), a savings bank shall provide the borrower with notice of maturity at least ninety (90) but not more than one hundred-twenty (120) days before the date of expected maturity.

E) The loan term may be adjusted only to reflect a change in the interest rate, the payment or the loan balance. A loan contract may provide a savings bank with the right to call the loan due and payable either after a specified number of years has elapsed following closing or upon the occurrence of a specified event external to the loan.

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d) The loan-to-value limitations specified in subsection (c) above shall not apply to the following.

1) To loans guaranteed or insured wholly or in part by the United States or any of its instrumentalities.

2) To loans or contracts made to finance the purchase of real estate owned which has been acquired by the savings bank through default on a prior investment provided that the minutes of directors' meetings substantiate that such sale is made in compliance with the following:

A) the board of directors approved the specific terms of the loan or contract before the savings bank's issuance of a letter of commitment. If no letter of commitment is to be issued, such approval shall be before the execution of a note, mortgage, or contract for deed between the purchaser and the savings bank; and

B) the board of directors' resolution of approval of the respective sale specifically indicates why the sale is in the best interest of the savings bank and that said approval is given after duly considering the provisions of Subpart E of this Part;

C) the resolution identifies the specific documentation they have and utilized in determining that the sale was in the best interest of the savings bank; and

D) all documentation used in evidencing compliance with Subpart E of this Part is retained as a part of the records of the savings bank for so long as the savings bank has a direct or indirect interest in the respective real estate.

3) Loans or contracts having additional eligible collateral pledged in an amount equal to that part of the loan or contract which is in excess of the lending limitations specified in subsection (c) above. Eligible collateral means:

A) any investment permissible for savings banks

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under The Act;

- B) any savings or time deposit in a commercial bank which deposit is insured by the Federal Deposit Insurance Corporation and not under control of any supervisory authority; or
- C) the cash surrender value of a life insurance policy validly assigned to the savings bank.

Section 1075.520 Construction Loans
EMERGENCY

Construction lending policies and procedures shall provide that

- a) No disbursements shall be made unless in conformity with a sworn contractor's statement or amended statement, which statement or amended statement shall comply with the mechanics' lien laws of the State in which the collateral property is located and shall be kept on file at the savings bank throughout the duration of the savings bank's investment in the respective loan.
- b) No construction funds shall be disbursed before receipt of a written statement indicating that the work for which payment is being requested has been completed. Such written statement shall be furnished by a person authorized by the board of directors.
- c) No construction funds shall be disbursed unless approved by the borrower or the borrower's authorized agent. A blanket authorization may be accepted.
- d) The savings bank shall at all times retain construction funds sufficient to complete the improvements in accordance with the contractor's sworn statement or amended statement.
- e) Waivers of mechanics' liens shall be required and shall be delivered to the savings bank or its agent before each disbursement of construction funds unless a lien free form of title insurance policy is obtained before such disbursement.

Section 1075.525 Mobile Home Financing
EMERGENCY

- a) Manufactured Home Chattel Paper - the term "manufactured

home chattel paper" means a document evidencing an installment sales contract or a loan or interest in a loan secured by a lien on one or more manufactured homes and equipment installed or to be installed therein.

- b) Manufacturer's Invoice Price - the term "manufacturer's invoice price" means a manufacturer's itemized charges, shown on its invoice, for a specifically identified manufactured home, furnishings, equipment, and accessories installed by the manufacturer, and freight.

- 1) General Investment Authority - pursuant to Section 6002 of The Act, a savings bank may invest in manufactured home chattel paper and interests therein without limitation as to percentage of assets.

- 2) Inventory Financing - a savings bank may invest in manufactured home chattel paper which finances a manufactured home dealer's acquisition of inventory, if:

- A) the inventory is held for sale by the dealer in its ordinary course of business;
- B) the loan evidenced by the chattel paper is the dealer's debt; and
- C) the loan amount does not exceed the following:
 - i) for new manufactured homes, 95 percent of manufacturer's invoice price for each manufactured home and equipment to be installed by the dealer; or
 - ii) for used manufactured homes, 75 percent of appraised market value or other generally accepted valuation of each manufactured home, including installed equipment.

- 3) Retail Financing

- A) Insured and Guaranteed Loans - a savings bank may invest in retail manufactured home chattel paper that is insured or guaranteed, or that has a commitment for such insurance or guarantee.

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- B) Conventional Loans - a savings bank may invest in conventional retail manufactured home chattel paper if:

- i) the manufactured home is located at a manufactured home park or other permanent or semi-permanent site;
- ii) the manufactured home chattel paper is payable within twenty (20) years, in monthly payments which are substantially equal except to the extent that the financing complies with mortgage provisions authorized under The Act and Section 1075.515 of this Part; and

- iii) the financed amount (excluding time-price differential or interest, however computed) does not exceed (A) in the case of a new manufactured home, 90 percent of the buyer's total costs, including freight, itemized set-up charges, sales or other taxes, filing and recording fees imposed by law and premiums for related insurance, or (B) in the case of a used manufactured home, 90 percent of appraised market value or other generally accepted valuation of the manufactured home plus sales and other taxes, filing and recording fees imposed by law, premiums for related insurance, and freight and itemized set-up charges, if any.

- C) Combination Loans - a savings bank may invest in manufactured home chattel paper secured by combinations of manufactured homes and lots on the following terms.

- i) Affixed Manufactured Homes - if the wheels and axles have been removed and the manufactured home is permanently affixed to a foundation, a loan secured by a combination of manufactured home and lot on which it sits may be treated as a home loan.
- ii) Unaffixed Manufactured Homes - if the manufactured home is not affixed in the

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manner described in subsection (c)(3) (C)(i) above, a savings bank may make a loan secured by a combination of manufactured home and lot on which it is or is to be located if the financing complies with the requirements of subsection (c)(3)(B)(ii) above and the loan-to-value ratio does not exceed 75 percent of the appraised value of the lot and lot improvements and 90 percent of the buyer's total costs of the manufactured home (or valuation of used manufactured home) as defined in subsection (c)(3)(B) above.

- 4) Sale of Paper - all manufactured home chattel paper sold by a savings bank shall be sold without recourse.

Section 1075.530 Overdraft Loans EMERGENCY

A savings bank may extend secured or unsecured credit to cover the payment of checks, drafts, or other funds transfer orders in excess of the available balance of an account on which they are drawn provided that the total of such extensions of credit plus unsecured or secured loans for business, corporate, commercial or agricultural purposes does not exceed 15 percent of total assets.

Section 1075.535 Education Loans EMERGENCY

A savings bank shall invest, not to exceed 5 percent of its total assets, in loans, debts, and advances of credit made for the financing of primary, secondary, undergraduate or post-graduate education.

Section 1075.540 Vehicle/Automobile Loans EMERGENCY

A savings bank shall invest, not to exceed 10 percent of its total assets, in loans, debts and advances of credit made for the purchase of the financing of vehicle/automobile purchases.

For the purposes of Section 1075.540 of this Part, vehicles/automobiles shall include all motorized forms of transportation which the board of directors of a savings bank shall by written policy consider to be

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adequate collateral.

Section 1075.545 Home Equity Loans
EMERGENCY

Savings banks are permitted, without limitation on the percentage of total assets, to establish revolving lines of credit on the security of a first or junior lien on the borrower's personal residence, based primarily on the borrower's equity. The proceeds of such loan may be used for any purpose.

Section 1075.550 Letter of Credit
EMERGENCY

A savings bank is permitted to issue letters of credit provided that the total funds advanced plus secured and unsecured loans for business, corporate, commercial, agricultural, or overdraft purposes does not exceed 15 percent of total assets.

- a) The letter of credit must clearly indicate it as a letter of credit, that the issuer's debt to pay is solely dependent upon conforming documents, that the account party must have an unqualified obligation to reimburse the issuer for payments made, and include a specified expiration date or definite term.
- b) The underwriting and documentation for a letter of credit must be in conformance with Section 1075.505 of this Part.
- c) All documentation used in evidencing compliance with Section 1075.550 of this Part is retained as part of the records of the savings bank for the term of the letter of credit.

Section 1075.555 Other Investments
EMERGENCY

Pursuant to Section 6003 of The Act, a savings bank is permitted to invest in loans secured by stock or equity securities, other than stock or equity securities of a financial institution, if the stock or equity security has a readily available market, and the value can be easily ascertained under generally accepted accounting principles (GAAP). Such investment shall not exceed 1 percent of the total assets of the savings bank.

Section 1075.560 Commercial Paper
EMERGENCY

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- a) A savings bank is permitted to invest in commercial paper to the extent that the total of loans for business, corporate, commercial, overdrafts and agriculture, plus corporate debt securities and commercial paper does not exceed 30 percent of the total assets of the savings bank.
- b) Investments in commercial paper are limited as follows:
 - 1) up to 1 percent of assets, or \$1,000,000, which ever is more, in commercial paper of any one issuer rated, as of the date of purchase, in the highest category by a national rating service;
 - 2) up to 1/2 of 1 percent of assets, or \$500,000, whichever is more in commercial paper of any one issuer rated, as of the date of purchase, in one of the two highest categories by a national rating service; or
 - 3) up to 1/4 of 1 percent of assets, or \$250,000, whichever is more, in commercial paper of any one issuer rated, as of the date of purchase, in one of the four highest categories by a national rating service.

Section 1075.565 Financial Futures
EMERGENCY

- a) Definitions as used in Section 1075.565 of this Part, apply unless the context otherwise requires.

"Financial Futures Transaction" means the purchase or sale of a financial futures contract.

"Forward Commitment" means a written commitment to make, purchase or issue mortgage loans or mortgage-related securities at a price and on or before a date specified in the commitment.

"Long Position" means the purchase of a financial futures contract to take delivery of a financial instrument.

"Mortgage-Related Securities" means securities based on and backed by mortgages, including mortgage-backed securities guaranteed by the Government National Mortgage Association ("GNMA's"), Mortgage

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Participation Certificates of the Federal Home Loan Mortgage Corporation, and similar obligations issued by a private issuer or in which the savings bank shall invest.

"Offset" means to cancel an obligation to make or take delivery of securities under a financial instrument under a financial futures contract. A futures contract to purchase a financial instrument is offset by a futures contract to sell a financial instrument of the same type for the same delivery month. A futures contract to sell a financial instrument is offset by a futures contract to purchase a financial instrument of the same type for the same delivery month.

"Short Position" means the holding of a financial futures contract to make delivery of a financial instrument.

- b) Permitted Transactions - to the extent that it has legal power to do so, a savings bank may engage in interest rate futures transactions to reduce its net interest rate risk exposure as provided in subsection (b). For purposes of Section 1075.565 of this Part, net interest rate risk exposure is the volatility in a savings bank's earnings that can arise from the mismatching of the maturities of assets and liabilities. A savings bank may enter into short positions that are appropriate for reducing its net interest-risk exposure. A savings bank may enter into long positions, other than those that offset short positions, only under the following conditions.

- 1) The futures position must be matched against a firm forward commitment to sell mortgages not yet originated or to issue mortgage-related securities to be based on mortgages not yet originated. For purposes of subsection (b), a firm forward commitment is a written commitment obligating the seller to make delivery, and the buyer to take delivery of mortgage loans not yet originated or mortgage-related securities to be based on mortgages not yet originated, at a price and on or before a date specified in the commitment.

- 2) The futures position may be entered into and maintained only to the extent that the savings

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bank's firm forward commitments exceed 10 percent of long-term assets with fixed interest rates. For purposes of Section 1075.565 of this Part, long-term assets are those having remaining terms to maturity in excess of five (5) years.

- c) Authorized Contracts - savings banks may engage in interest rate futures transactions using any interest rate futures contracts designated by the Commodity Futures Trading Commission and based upon a financial instrument in which the savings bank has authority to invest in or to issue.

- d) Board of Directors' Authorization - before engaging in interest rate futures transactions, a savings bank's board of directors must authorize such activity. In authorizing futures trading, the board of directors shall consider any plan to engage in financial futures transactions, shall endorse specific written policies, and shall require the establishment of internal control procedures. Policy objectives must be specific enough to outline permissible contract strategies, taking into account price and yield correlations between assets or liabilities and the financial futures contracts with which they are matched; the relationship of the strategies to the savings bank's operations; and how such strategies reduce the savings bank's net interest rate risk exposure. Internal control procedures shall include, at a minimum, periodic reports to management, segregation of duties and internal review procedures. In addition, the minutes of the meeting of the board of directors shall set forth limits applicable to futures transactions, identify personnel authorized to engage in futures transactions, and set forth the duties, responsibilities and limits of authority of such personnel. The board of directors shall review the position limit, all outstanding positions, and the unrelated gains or losses on those positions at each regular meeting of the board.

- e) Notification - a savings bank engaging in financial futures transactions shall notify the Commissioner that it is engaging in such transactions. The savings bank shall report its gross outstanding long and short financial futures positions on its monthly report.

- f) Record Keeping Requirements - a savings bank engaging in financial futures transactions shall maintain records of

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such transactions sufficient to document how the transactions reduce the net interest rate risk exposure of the savings bank in accordance with the following requirements.

- 1) Contract Register - the savings bank shall maintain a contract register adequate to identify and control all financial futures contracts and including, at a minimum, the type and amount of each contract, the maturity date of each contract, the cost of each contract, the dollar amount and description of the asset or liability with which the futures contract is matched, and the date and manner in which a contract is closed out. Such register shall be prepared in a manner sufficient to indicate at any time the savings bank's total outstanding long and short financial futures positions.
- 2) Other Documentation - the savings bank shall maintain, as part of the documentation of its financial futures strategy, a schedule of the assets and the liabilities for which net interest rate risk exposure is being reduced and the purpose of each contract entered into.
- 3) Maintenance of Records - the records designated in subsection (f) shall be maintained for all futures transactions closed-out during the preceding two (2) years.

Section 1075.570 Financial Options
EMERGENCY

a) Definitions as used in Section 1075.570 of this Part, the apply unless the context otherwise requires.

- 1) "Call" means an option which gives the holder the right to purchase a financial instrument at a price and on or before the expiration date specified in the option contract.
- 2) "Deliverable Instrument" means a financial instrument whose terms satisfy the requirements for fulfilling delivery obligations of an option.
- 3) "Effective Exercise Price" means the yield equivalent price of an instrument whose coupon rate differs from the standard instrument specified in

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the option.

- 4) "Financial Options Contract" means an agreement (other than an optional delivery forward commitment contract to purchase and sell mortgages or mortgage-backed securities when used as part of the mortgage loan origination process) to make or take delivery of a financial instrument upon demand by the holder of the contract at any time before the expiration date specified in the agreement, under terms established either by:
 - A) a board of trade designated as a contract market for the trading of option contracts by the CFTC or a national securities exchange registered with the Securities Exchange Commission (SEC); or
 - B) the savings bank and a "permissible counterparty," as defined in subsection (a)(10), that are counterparties in an over-the-counter option transaction (other than an over-the-counter commodity option transaction subject to the jurisdiction of the CFTC that is not otherwise authorized under the Commodity Exchange Act (7 U.S.C. 1) and the regulations thereunder).
- 5) "Financial Options Transaction" means the purchase or sale of a financial options contract.
- 6) "Immediate Exercise Value" means the market value gained by exercising an option with the lowest cost deliverable instrument at its effective exercise price compared to purchasing (or selling) an identical instrument with the same coupon rate in the cash market.
- 7) "Long Position" means the holding of a financial options contract with the option to make or take delivery of a financial instrument.
- 8) "Option Commitment Fee" means the option premium minus the immediate exercise value of the option.
- 9) "Option Premium" means the price paid or received for establishing an option position.

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- 10) "Permissible Counterparty" means any entity that is:
- A) a primary dealer as defined in subsection (a)(11);
 - B) a bank subject to the regulation and supervision of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System and that is in compliance with applicable regulatory capital requirements;
 - C) a savings bank that is subject to the regulation and supervision of this Office and is in compliance with applicable regulatory capital requirements or subject to the regulation and supervision of this Office;
 - D) a broker or dealer registered with the Securities and Exchange Commission ("SEC") and subject to regulation and supervision by a Registered Securities Association (registered pursuant to Section 15A of the Securities and Exchange Act of 1934 (15 U.S.C. 78(o)) ("Exchange Act") or a National Securities Exchange (registered pursuant to Sections 6 and 19(a) of the Exchange Act) and that is in compliance with applicable capital requirements;
 - E) a government securities broker or dealer registered with the SEC that is subject to examination and supervision by a Registered Securities Association (registered pursuant to Section 15A of the Exchange Act) or National Securities Exchange (registered pursuant to Sections 6 and 19(a) of the Exchange Act) and that is in compliance with applicable capital requirements;
 - F) a futures commission merchant registered with the CFTC and that is in compliance with applicable capital requirements;
 - G) the Federal Home Loan Banks;
 - H) the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the

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- Government National Mortgage Association; or
- I) any other entity that the Commissioner, upon application, determines to be adequately regulated, capitalized, and audited or examined such that acting as a counterparty in an over-the-counter options transaction with a savings bank would not entail substantial credit risks for the savings bank. This Office delegates the authority to consider and approve such applications to the director of supervision, with the concurrence of the general counsel, or their respective designees.
- 11) "Primary Dealer in Government Securities" means any member of the Association of Primary Dealers in United States Government Securities and any parent, subsidiary, or affiliated entity of such primary dealer: provided, that the member guarantees (to the satisfaction of the Office) the over-the-counter financial options transactions between its parent, subsidiary, or affiliated entity with a savings bank, and provided further, that the parent, subsidiary, or affiliated entity is substantially engaged in similar activities.
 - 12) "put" means an option which gives the holder the right to sell a financial instrument at a price on or before the expiration date specified in the financial options contract.
 - 13) "Short Position" means a commitment through a financial options contract to stand ready during the term of the contract to make or take delivery of a financial instrument.
- b) Permitted Transactions - to the extent that it has legal power to do so, a savings bank may engage in financial options transactions as provided.
- 1) Long Positions - a savings bank may enter into long positions without numerical limit.
 - 2) Short Positions - a savings bank may enter into short call positions without numerical limit. If a savings bank meets its capital requirement, it may enter into short put options to the extent that the aggregate amount of its short put options and

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forward commitments to purchase securities does not exceed 15 percent of total assets. If capital requirements are not met, the savings bank may enter into short put options only with prior written approval from the Commissioner.

authority of such personnel. The board of directors shall review the position limit, all outstanding options contract positions, and the unrealized gains or losses on those positions at each regular meeting of the board.

c) Authorized Contracts - a savings bank may engage in financial options transactions using any financial options contracts either:

e) Notification, Reporting, and Approval

- 1) designated by the CFTC or approved by the SEC; or
- 2) entered into with a "permissible counter-party", as defined in subsection (a)(10) above, and based upon a financial instrument that the savings bank has authority to invest in or to issue.

d) Board of Directors' Authorization - before engaging in financial options transactions, a savings bank's board of directors must authorize such activity. In authorizing options, the board of directors shall consider any plan to engage in writing or purchasing financial options contracts, shall endorse specific written policies, and shall require the establishment of internal control procedures. For options positions that will be matched with cash or forward market positions, policy objectives must be specific enough to outline permissible options contract strategies, taking into account price and yield correlations between assets or liabilities and the financial options contracts; the relationship of the strategies to the savings bank's operations; the rationale for the ratio of the value of options positions to the value of the matched cash market positions; and how the options strategy reduces the savings bank's interest rate risk exposure. For unmatched option positions, policy objectives must specify the relationship of the strategy to the savings bank's operations. Prudent business judgment shall be exercised by participating savings banks engaging in financial options transactions to maintain a safe and sound financial position. Internal control procedures shall include, at a minimum, periodic reports to management, segregation of duties and internal review procedures. In addition, the minutes of the meeting of the board of directors shall set forth limits applicable to financial options transactions, identify personnel authorized to engage in financial options transactions, and set forth the duties, responsibilities and limits of

1) A savings bank shall notify the Commissioner immediately following authorization of its board of directors to engage in financial options transactions. The savings bank shall report its outstanding positions together with the total unrealized gain or loss from such positions to the Commissioner monthly.

2) A savings bank shall not engage in over-the-counter financial option transactions with any permissible counterparty unless such counterparty agrees to notify the Commissioner. A savings bank shall not continue to engage in over-the-counter financial option transactions with any permissible counterparty that has failed to so notify the Commissioner with respect to previous over-the-counter financial option transactions with that savings bank. Notwithstanding the foregoing, no savings bank shall engage in a long over-the-counter financial option transaction with a specific permissible counterparty, without obtaining the prior approval of the Commissioner, whenever the aggregate exercise value of all long over-the-counter financial option positions with the counterparty exceeds the limitations contained in Section 6013 of The Act. The Commissioner may approve any financial option transaction whenever it determines that such transaction does not subject the savings bank to undue risk. In making such determinations, the Commissioner shall consider:

- A) the credit worthiness of the specific counterparty;
- B) the savings bank's experience with such counterparty and with transacting in financial option and futures contracts generally;
- C) the nature of the subject contracts (e.g., matched or unmatched); and

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- D) any other circumstances considered relevant by the Commissioner. An application to enter into a financial option transaction under Section 1075.570 of this Part shall be considered approved if the Commissioner does not deny such application within ten (10) calendar days from the date the application was filed.

- f) Record Keeping Requirements - a savings bank engaging in financial options transactions shall maintain records of such transactions in accordance with the following requirements.

1) Contract Register - the savings bank shall maintain a contract register adequate to identify and control all financial options contracts and sufficient to indicate at any time the amounts of financial options contracts required to be reported on its monthly report. At a minimum, the register shall list the type, amount, expiration date and the cost of income from each contract.

2) Other Documentation - the savings bank shall maintain as part of the documentation of its financial options strategy a schedule of any cash market or forward commitment position with which the option is matched and the purpose of each contract.

3) Maintenance of Records - the records designated in Section 1075.570 of this Part shall be maintained for all financial options closed out during the preceding two (2) years.

- g) Accounting

1) Purchase or Sale - upon initial purchase or sale of a financial options contract, a memorandum entry of the information specified in Section 1075.570 of this Part shall be made and appropriate margin accounts shall be established.

2) Option Commitment Fee

- A) The option commitment fee paid for a long position or received from the sale of a short put option shall be amortized to income or expense over the term of the option, except as provided in Section 1075.570 of this Part.

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- B) The option commitment fee received from the sale of a matched short call option shall be deferred until the option position is terminated. The option commitment fee received from the sale of an unmatched short call option shall be amortized to income over the term of the option.

3) Options Contracts

- A) Gains or losses on options contracts that are matched with assets or liabilities carried at the lower of cost or market value, or carried at market value shall be considered in determining the market value of the asset or liability.

- B) Options positions that are matched with assets or liabilities carried at cost or to be carried at cost shall be accounted for as follows.

i) If a commitment fee will be or has been received with respect to the matched asset, the option commitment fee shall be treated as an adjustment of such fee. The adjusted commitment fee shall then be treated as a fee paid or received in connection with the matched asset.

ii) If a commitment fee has not been received with respect to a matched asset, the option commitment fee (except if received for the sale of a short call option) shall be amortized to income or expense over the commitment period by the straight line method.

iii) Any resulting gain or loss from an option position (except from a short call option) shall be treated as a discount or premium on the matched asset or liability.

iv) Any resulting gain or loss from a short call option position shall be recognized as income or expense upon termination of the option position.

v) If an option position is not matched with

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a cash-market or forward-commitment position or the cash-market or forward-commitment position with which an option is matched is sold or will not occur, the option shall be marked to market.

- C) The immediate exercise value of short puts and other unmatched option positions shall be carried at their current market value.

**Section 1075.575 Finance Leasing
EMERGENCY**

Pursuant to Section 1008(15) of The Act, savings banks may engage in leasing activities that are the functional equivalent of lending, subject to the limitations of Section 1075.575 of this Part.

- a) A savings bank may become the legal or beneficial owner of tangible personal property or real property to lease such property, may obtain an assignment of a lessor's interest in a lease of such property, and may incur obligations incidental to its position as the legal or beneficial owner and lessor of the leased property, if:

- 1) the lease is a net, full-payout lease representing a non-cancelable obligation of the lessee, notwithstanding the possible early termination of the lease; and
- 2) at the expiration of the lease, the savings bank's interest in the property shall be liquidated or released on a net basis as soon as practicable.

- b) A lease of tangible personal property made to a natural person for personal, family or household purposes pursuant to Section 1075.575 of this Part shall be subject to all limitations applicable to the amount of a savings bank's investment in similar loans. A lease made for commercial, corporate, business or agricultural purposes pursuant to Section 1075.575 of this Part shall be subject to all limitations applicable to the amount of a savings bank's investment in commercial loans. A lease of residential or nonresidential real property made pursuant to Section 1075.575 of this Part shall be subject to all limitations applicable to the amount of a savings bank's investment in real estate loans.

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- c) Definitions - for the purposes of Section 1075.575 of this Part shall be the following.

- 1) The term "net lease" means a lease under which the savings bank will not, directly or indirectly provide or be obligated to provide for:

- A) the servicing, repair or maintenance of the leased property during the lease term;
- B) the purchasing of parts and accessories for the leased property, except that improvements and additions to the leased property may be leased to the lessee upon its request in accordance with the full-payout requirements of Section 1075.575 of this Part;
- C) the loan of replacement or substitute property while the leased property is being serviced;
- D) the purchasing of insurance for the lessee, except where the lessee has failed to discharge a contractual obligation to purchase or maintain insurance; or
- E) the renewal of any license, registration or filing for the property unless such action by the savings bank is necessary to protect its interest as an owner or financier of the property.

- 2) The term "full-payout" lease means one from which the lessor can reasonably expect to realize a return of its full investment in the leased property, plus the estimated cost of financing the property over the term of the lease, from rentals, estimated tax benefits, guarantees and other sources, and the estimated residual value of the property at the expiration of the initial term of the lease. Provided that no more than 20 percent of the return may be realized from the residual value of the property at the expiration of the initial term of the lease, both the estimated residual value of the property and that portion of the estimated residual value relied upon by the lessor to satisfy the requirements of a full-payout lease must be reasonable in light of the nature of the leased property and all relevant circumstances so that

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realization of the lessor's full investment plus the cost of financing the property depends primarily on the credit worthiness of the lessee, and not on the residual market value of the leased property. The maximum term of a full-payout lease shall be twenty (20) years.

- d) Salvage Powers - if, in good faith, a savings bank believes that there has been an unanticipated change in conditions that threatens its financial position by significantly increasing its exposure to loss, Section 1075.575 of this Part shall not prevent the savings bank:
 - 1) as the owner and lessor under a net, full-payout lease, from taking reasonable and appropriate action to salvage or protect the value of the property and its interest arising under the lease;
 - 2) as the assignee of a lessor's interest in a lease, from becoming the owner and lessor of the leased property pursuant to its contractual right, or from taking any reasonable and appropriate action to salvage or protect the value of the property or its interest arising under the lease; or
 - 3) from including any provisions in a lease, or from making any additional agreements, to protect its financial position or investment in the circumstances set forth in Section 1075.575 of this Part.

Section 1075.580 Suretyship EMERGENCY

Pursuant to Section 1008(20) of The Act, a savings bank shall enter into an agreement to act as a surety subject to the following provisions.

- a) A savings bank operating under The Act may exercise surety powers only to the extent authorized by the Federal Deposit Insurance Corporation.
- b) A savings bank may enter into a suretyship agreement only if the agreement would create an obligation authorized for investment by a savings bank. A savings bank's obligation under the suretyship agreement shall be treated as a loan to its principle for purposes of Sections 6010 and 6013 of The Act and Section 1075.500

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of this Part.

- c) A savings bank must take and maintain a security interest in real estate or marketable investment securities, as defined at Section 1007.85 of The Act, of its principal having a market value, determined in accordance with the provisions of The Act and this Part, of at least 110 percent of the savings bank's total suretyship obligations. In determining compliance with the 110 percent collateralization requirement, the savings bank shall consider the value available above prior mortgages or liens, except those held by the party for whose protection the suretyship agreement is made. If marketable investment securities, the savings bank shall provide for the maintenance of the collateral value at the required level throughout the term of the suretyship agreement.
- d) To the extent that a savings bank is required to meet its obligations under a suretyship agreement, the amount expended shall be treated as an extension of credit subject to the limitations imposed on similar loans under the various provisions of The Act and this Part.

Section 1075.585 Asset Reserves EMERGENCY

- a) Scope

The classification system described in Section 1075.585 of this Part applies to all assets or portions thereof held by a savings bank.

- b) Classifications

- 1) Substandard - assets classified substandard are inadequately protected by the current paying capacity of the obligor or of the collateral pledged, if any. Assets so classified must have a well-defined weakness or weaknesses. They are characterized by the distinct possibility that the savings bank will sustain some loss if the deficiencies are not corrected.
- 2) Doubtful - assets classified doubtful have all the weaknesses inherent in those classified Substandard with the added characteristic that collection of the asset in full, on the basis of currently existing

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facts, conditions, and values, is highly questionable and improbable.

- 3) Loss - assets classified loss are considered uncollectible and of such little value that their continuance as assets without establishment of a reserve is not warranted. This classification does not mean that an asset has absolutely no recovery or salvage value, but, rather, that it is not practical or desirable to defer writing off a basically worthless asset even though partial recovery may be effected in the future.

c) Implementation of Classification System

- 1) In connection with examinations of a savings bank or its affiliates, the examiner shall have authority to identify problem assets and, if appropriate, classify them.

- 2) Each savings bank shall classify its own assets on a regular basis. In addition to any other remedies available to this Office under applicable statutes and regulations, a savings bank's failure to set aside prudent valuation allowances, or to monitor portfolio risk with an effective self-classification procedure, will be considered by the examiner in determining the amount of valuation allowances to be established by such savings bank.

- 3) In its reports to the Office, each savings bank shall include aggregate totals of assets that the savings bank has classified in each of the three asset classification categories, and the aggregate general and specific valuation allowances established. To the extent a savings bank's specific valuation allowances have decreased from the previous reporting period, such savings bank shall identify the amount of the decrease attributable to a savings bank's between examination upgrading of classifications.

d) Effect of Classification

- 1) When, pursuant to Section 1075.585 of this Part, a savings bank has classified one or more assets, or portions thereof, substandard or doubtful, the savings bank shall establish prudent general

allowances for loan losses. When, pursuant to Section 1075.585 of this Part, an examiner has classified one or more assets or portions thereof substandard or doubtful and has determined that the existing valuation allowances are inadequate, the savings bank shall establish general allowances for loan losses in an appropriate amount as determined by the examiner, subject to approval of the Commissioner.

- 2) When, pursuant to Section 1075.585 of this Part, either a savings bank or an examiner has classified one or more assets or portions thereof loss, the savings bank shall either establish allowances for losses in the amount of 100 percent of the portion of the asset(s) classified loss, or charge off such amount against current income.

- 3) Adequate valuation allowances consistent with generally accepted accounting principles shall be established for classified assets. Asset evaluations (and the corresponding allowances) that are consistent with the practice of the federal banking agencies may be used for supervisory purposes.

e) Assets Deserving "Special Mention"

Assets that do not currently expose a savings bank to a sufficient degree of risk to warrant classification under Section 1075.585 of this Part but do have credit deficiencies or potential weaknesses deserving management's close attention shall be designated "special mention" by either the savings bank or the examiner. Special mention assets have a potential weakness or pose an unwarranted financial risk that, if not corrected, could weaken the asset and increase risk in the future.

f) Delegations and Interpretations

- 1) The Commissioner or designee may approve, disapprove, or modify any classifications of assets made pursuant to Section 1075.585 of this Part and any amounts of allowances for loan losses established by a savings bank or required by examiners pursuant to Section 1075.585 of this Part.

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- 2) When an appraisal is required or made in connection with any reevaluation of assets, the Commissioner may approve or reject the appraisal and any valuation related to it.
- 3) This Office shall, from time to time, issue supervisory interpretations and other informational material regarding classification of assets.

SUBPART F: SERVICE CORPORATION**Section 1075.600 Requirements**
EMERGENCY

- a) No savings bank shall invest in or lend to a service corporation as defined in Section 1007.105 of The Act unless said service corporation has been approved by the Commissioner.
- b) Subpart F of this Part shall not apply to investments in single-purpose corporations authorized under Sections 1008(9) and 6009 of The Act.

Section 1075.610 Approval by the Commissioner
EMERGENCY

- a) Except as provided in subsection (b), an application for approval of a service corporation shall be approved by the Commissioner provided that:
 - 1) its purpose or purposes are reasonably incident to the accomplishment of the powers conferred upon savings banks by The Act, or are purposes granted or allowed to service corporations organized or owned by savings and loan associations; or its sole purpose is to operate as a finance subsidiary of a savings bank to the extent authorized for finance subsidiaries of savings and loan associations under the Illinois Savings and Loan Act of 1985 (Ill. Rev. Stat. 1989, ch.17, par. 3301 et seq.); and
 - 2) the application for approval of a service corporation includes: the appropriate fee; a copy of the service corporation's Articles of Incorporation; a list of proposed shareholder(s); the fiscal year-end date; and an undertaking by the service corporation with the continuing conditions specified in subsection (c) and in a form prescribed

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by the Commissioner.

- b) An application for approval of a service corporation shall be denied by the Commissioner in writing if the Commissioner finds that any proposed shareholder is conducting business in an unsafe manner.
- c) Continuing Conditions
 - 1) A service corporation shall not amend its Articles of Incorporation nor adopt an assumed corporate name without the prior written approval of the Commissioner. A proposed amendment to Articles of Incorporation not involving a name change shall be approved unless it is in non-compliance with subsection (a)(1) above. A proposed name change shall be approved unless such proposed name is either deceptively similar to that of a savings bank as specified in Section 3005(b)(3) of The Act or of a nature which might imply that the entity is a savings bank.

- 2) Each service corporation shall cause its affairs to be audited by a licensed public accountant at least once each fiscal year, and cause said accountant to deliver a copy of said certified statement to the Commissioner simultaneously with the delivery of the statement to the service corporation.

- 3) Each service corporation shall be examined in conjunction with the examination of its parent savings bank(s). The Commissioner shall require additional reports and/or examinations if the Commissioner, or his staff members engaged in examination of the savings bank's monthly report, determine that more information is needed to determine the viability of the service corporation.

- 4) A service corporation shall not acquire any classified item(s) from any financial institution except that a service corporation may acquire real estate owned by any savings bank.

Section 1075.620 Investment Limitations
EMERGENCY

- a) A savings bank may make investments in capital stock of service corporations which are 90 percent or more owned

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by one or more savings banks in an amount which shall not exceed 10 percent of the savings bank's total assets. A savings bank that has met and maintained the capital level(s) required for a savings bank, the deposit accounts of which are insured by the Federal Deposit Insurance Corporation, may invest an additional 50 percent of the excess capital provided that in no event shall a savings bank's maximum investment in service corporations exceed 20 percent of its total assets.

b) A savings bank may make investments in capital stock of service corporations which are at least 51 percent but less than 90 percent owned by one or more savings banks, in an amount not to exceed 1 percent of the savings bank's total assets.

c) All loans to service corporations shall be subject to all lending limitations contained in The Act and this Part, except that:

- 1) a savings bank may make loans to a wholly owned service corporation in an amount equal to the savings bank's total capital or in an amount that exceeds the savings bank's total capital if such excess amount is fully secured by collateral, of a type upon which the savings bank itself could lend, of a value determined in accordance with The Act and with rules promulgated by the Commissioner; and
- 2) loans shall not be subject to the percentage of asset limitations of Section 6002(8) of The Act.

Section 1075.630 Investments by Service Corporations EMERGENCY

- a) A service corporation may invest its assets in any manner not expressly prohibited by law, provided such investments are made in the exercise of reasonable judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.
- b) If a service corporation has not been approved, or if approval is withdrawn, all loans to or investments in the service corporation shall constitute an unauthorized

investment. However, the savings bank shall be granted a reasonable time within which to dispose of said loans or investments.

c) A basis for withdrawal of approval of a service corporation exists if:

- 1) the service corporation is subject to involuntary dissolution for failure to file annual reports or pay fees pursuant to The Business Corporation Act (Ill. Rev. Stat. 1989, Ch. 32, par. 1.01 et seq.); or
- 2) the service corporation fails to pay, within sixty (60) days of the billing date, supervisory fees or examination fees due the Commissioner;
- 3) the service corporation fails to file, when due, those reports required by Sections 1075.670 and 1075.680 of this Part;
- 4) the Commissioner determines that the service corporation is engaged in activities that are not reasonably incidental to the accomplishment of the powers conferred upon savings banks by The Act;
- 5) the investment of any parent savings bank in the respective service corporation(s) is in excess of the investment limitations set forth at Section 1075.620 of this Part; or
- 6) the Commissioner determines that the service corporation is conducting business in a fraudulent, illegal, or unsafe manner.

Section 1075.640 Ownership of Capital Stock of Service Corporation EMERGENCY

- a) A minimum of 51 percent of all classes of capital stock of a first-tier service corporation shall be owned by one or more savings banks, bank, or savings and loan associations. First-tier service corporation means any corporation which is 51 percent or more owned by one or more savings banks, bank, or savings and loan associations whose purpose or purposes are reasonably incidental to the accomplishment of the powers conferred upon savings banks by The Act.

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- b) Subject to approval by the Commissioner, an amount not to exceed 49 percent of all classes of capital stock of a service corporation may be owned by a person or persons other than a savings bank. The ownership by such person or persons shall be approved if the Commissioner finds:
- 1) the sale or issuance of stock is at no less than the book value of the stock;
 - 2) if no sale is involved, that the stock issuance to employees or officers is part of the compensation program documented by a written employment contract; and
 - 3) the ownership of such stock is subject to a repurchase agreement which provides that the service corporation has the right of first refusal to reacquire the stock from the person or persons or the estate of such person or persons at book value at the time of death or termination of employment.
- c) The book value of the stock shall be determined in accordance with generally accepted accounting principles by the independent auditor of the service corporation.

Section 1075.650 Prohibited Transactions
EMERGENCY

- a) Without prior approval of the Commissioner, no service corporation shall enter into any contract (except an employment contract), grant any loan, directly or indirectly, to any officer, director, individual stockholder or employee of the service corporation or of its parent savings bank(s) except upon real estate occupied as a homestead or on the security of a personal automobile. A service corporation may, without prior approval, enter into a contract for the sale of real estate to be occupied by any of the foregoing persons as their bona fide homestead.
- b) A service corporation may enter into a contract to purchase an insurance agency or brokerage in which any of the foregoing persons have an interest.

Section 1075.660 Disclosure to Service Corporation
EMERGENCY

- a) Service corporations shall require as a condition of any

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- contract, loan, joint venture agreement or partnership agreement, that the party entering into such relationship with the service corporation disclose the names and true identity:
- 1) in the case of trusts, owners of beneficial interests of said trusts;
 - 2) in the case of corporations, the names and addresses of all shareholders owning 10 percent or more of the capital stock; and
 - 3) in the case of partnerships, a list of names and addresses of all partners.
- b) Such disclosure shall be certified by the respective trustee, secretary or general partner. This certification shall become a permanent part of the file of each such contract, loan, joint venture or partnership agreement.

Section 1075.670 Reporting Requirements
EMERGENCY

- a) Within forty-five (45) days of the close of each calendar year, each service corporation shall submit to the Commissioner a report, in such form as the Commissioner shall prescribe, setting forth complete and true statements of condition and operations of the service corporation and of every partnership, joint venture or corporation in which the service corporation has a cash and/or equity interest of 50 percent or more.
- b) All corporate subsidiaries, partnerships and joint ventures in which the service corporation has a cash and/or equity interest of 50 percent or more shall, within fifteen (15) days of request for same by the Commissioner, submit true and correct copies of all contracts, mortgages, partnership agreements, joint ventures and loan commitments.

Section 1075.680 Audit Requirements
EMERGENCY

- a) Each service corporation shall cause its books and records to be audited at least once annually by an independent licensed public accountant. Except as provided after this, the report of audit shall be

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separate from the report of audit of any parent savings bank.

b) The report of audit of a wholly-owned service corporation may be consolidated with the report of audit of the parent savings bank provided that such report sets forth:

- 1) the auditor's opinion that the activity of the service corporation does not materially affect the financial position of the parent savings bank; and
- 2) all details of consolidation.

c) The auditor shall test compliance with The Act and this Part and determine the effect that the service corporation has on the financial position of the parent savings bank(s).

d) The auditor shall determine and report any facts relating to any direct or indirect self-dealing by any service corporation officer, director, employee or shareholder other than a savings bank. The auditor shall also determine and report any facts relating to any direct or indirect conflict of interest of any officer, director, employee or shareholder of a savings bank holding stock in the service corporation.

e) Any noncompliance with The Act or this Part, self-dealing or conflict of interest which are discovered during the audit shall be set forth in the report of audit delivered to the service corporation's board of directors. The service corporation's board of directors shall promptly report such noncompliance to the Commissioner and to the board of directors of the parent savings bank(s).

f) A copy of the audit report shall be filed with the Commissioner within ninety (90) days of the audit date, except upon receipt of written notice setting forth the reason delivery of the report of audit is delayed by circumstances beyond control of the service corporation, the Commissioner may extend the filing date for up to sixty (60) additional days.

SUBPART G: RELOCATIONS AND BRANCHING

Section 1075.700 General
EMERGENCY

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a) A branch office of a savings bank is any office other than its home office, drive-in facility, pedestrian facility, agency office, or a remote service unit.

b) Any business of a savings bank may be transacted at a branch office. When a branch office provides any product, it must have all the resources necessary to support that product offering at the branch location.

c) A savings bank shall not establish a branch office nor change the location of its home office unless its respective application has been approved by the Commissioner. An application shall be approved only if the Commissioner finds that:

- 1) the office can be established at the proposed location without undue injury to properly conducted existing savings banks or other existing financial institution;
- 2) the policies and financial condition of the applicant are not a basis for supervisory objection; and
- 3) the proposed office will open within twelve (12) months of approval unless occupancy is delayed by circumstances beyond the control of the applicant and, consequently, additional time is allowed by the Commissioner.

d) A savings bank proposing a change of location of its home office or branch office may request a waiver of the otherwise applicable requirements of Subpart G of this Part. The request will be approved only if:

- 1) the Commissioner can make the same findings as those required at subsection (c) above;
- 2) the applicant demonstrates that the area to be served from the proposed location is essentially the same as that served from the present location;
- 3) the applicant gives the reason(s) for the change of location; and
- 4) the applicant submits request which sets forth information sufficient to allow the making of all determinations required by subsection (d).

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- e) If requested by the applicant, the Commissioner shall approve a temporary location of a home office or a branch office if the temporary location is:

- 1) in the immediate vicinity of the approved permanent location; and
- 2) not more competitive to any other properly conducted existing savings bank than the approved permanent location.

Section 1075.705 Application
EMERGENCY

- a) A savings bank may apply for a branch office or for a change of location of its home office provided that the applicant obtains the prescribed form of application and form of notice and related instructions from the Commissioner unless waived pursuant to Section 1075.700(d) of this Part.

- b) An application is considered complete and a priority filing date is established when the Commissioner determines that all required information has been submitted on the prescribed.

- c) Changes to all but material information of the application may be made up to the time the approval/denial is determined. For purposes of Section 1075.705 of this Part, material information is defined as but is not limited to:

- 1) savings bank name;
- 2) savings bank address;
- 3) nature and purpose of application; and
- 4) any other information which if changed, would likely cause the approval or denial decision to be reversed.

Section 1075.710 Request for Preliminary Determination
EMERGENCY

- a) A savings bank which intends to file an application for a branch office or for a change of location of its home office may, before the filing of such application, submit

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to the Commissioner written advice of intent to file such an application and request a preliminary determination as to whether supervisory objection will be raised on the basis of the applicant's policies and financial condition. Within thirty (30) days following receipt of the advice of intent, the applicant shall be advised of the Commissioner's decision, and if applicable, the reason for supervisory objection.

- b) If at any time subsequent to preliminary determination the Commissioner determines that a basis for supervisory objection exists, further processing of the respective application shall be denied.

Section 1075.715 Public Notice and Inspection
EMERGENCY

- a) After the application is complete, the Commissioner shall direct the applicant, in writing, to publish notice within fifteen (15) calendar days from such date of direction. The applicant shall publish notice in a newspaper printed in the English language having a general circulation in the applicant's home office community and in the community to be served from the proposed location.

- b) Within ten (10) days following the date of publication, the applicant shall furnish the Commissioner with one copy each of the required notice(s) and the publisher's affidavit(s) of publication.

- c) The Commissioner shall consider the application and its filing confidential until the applicant is advised to publish notice. After publication, the application shall be available for public inspection at the Commissioner's Office, by appointment.

Section 1075.720 Protest
EMERGENCY

Protests, answers to protests and other related communications shall be in writing and submitted only as provided in Section 1075.720 of this Part.

- a) Within ten (10) calendar days following the date of publication of Notice of Application (or twenty (20) calendar days after the date of publication if extension is requested in writing within such ten (10) day period)

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any person may file a communication in favor or protest of the application with the Commissioner. Any person filing such a communication shall simultaneously furnish a copy to the applicant.

- b) Within fifteen (15) calendar days after receipt of a protest, the objector and the applicant shall be advised in writing whether the Commissioner considers the protest to be substantial.
- c) No protest shall be considered "substantial" unless it is in writing, filed on time, and contains at least the following:
 - 1) a summary of the reasons for the protest;
 - 2) the specific matters in the application to which objection is raised and the reasons for each objection;
 - 3) facts supporting the protest, including relevant economic or financial data; and
 - 4) adverse effects on the objector which may result from approval of the application.

d) The Commissioner's determination as to whether a protest is "substantial" shall be made on the basis of data showing undue injury to properly conducted existing savings bank(s) or other financial institutions(s) and/or data disputing the propriety of information set forth in the respective application.

e) Within twenty (20) calendar days following the date of notice that a protest has been considered substantial, the applicant may file an answer to such protest with the Commissioner.

Section 1075.725 Oral Argument
EMERGENCY

- a) Oral argument on the merits of an application shall be heard if:
 - 1) the applicant, or a person who has filed a protest considered to be substantial, so requests and the request is received by the Commissioner within ten (10) calendar days after the time for filing answers

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to all protests has expired; and

- 2) the Commissioner, after reviewing the application and other pertinent information, considers oral argument desirable because of protests which dispute the propriety of information set forth in the application.
- b) Any such hearing of oral argument shall be subject to the appropriate fee and expenses prescribed in Section 1075.100 of this Part. A transcript of any such hearing of oral argument shall be taken and made a part of the record in the matter.
- c) The Commissioner shall mail notice of the date (which shall be at least ten (10) calendar days after such mailing), time and place of oral argument to the applicant and person(s) who filed protests or other communications. The Commissioner shall ensure that the time and place of any oral argument are reasonably convenient to the applicant and the objector(s).
- d) The Commissioner or any person designated by the Commissioner shall hear oral argument and determine all matters relating to the conduct thereof. Arguments shall be made in person or by authorized representative(s). A maximum of one hour of oral argument shall be allowed in favor of and against the application. In hearing oral arguments, the person presiding shall determine the order of presentation. The parties may agree on a division of time; otherwise, the person presiding shall make the determination. Arguments may be consolidated. In the event of multiple substantial protests, the person presiding may permit additional time for argument and rebuttal. Arguments shall be based only on the facts and information on file; however, a party may introduce newly discovered matter by giving a written memorandum of same to the person presiding when the hearing commences. Said memorandum shall include an affidavit as to why the matter was not previously known and not previously filed. No party to an oral argument shall be permitted more than one filing of new matter. If the person presiding rules that there is in fact substantive new matter, the party introducing it shall be required to provide copies of the memorandum of such new matter to all parties. If the parties agree to argue on the basis of such new matter, the hearing shall continue.

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- e) If any party wishes to file a rebuttal, ten (10) calendar days shall be allowed for the submission of such rebuttal, and the person presiding shall adjourn the hearing and set a date, time and place for it to be reconvened. Rebuttal to new matter shall not be considered a filing of new matter.
- f) If oral argument is heard by a person other than the Commissioner, that person's findings shall be submitted to the Commissioner, in writing, within twenty-five (25) calendar days after final adjournment of the hearing. Within ten (10) calendar days following receipt of said findings the parties shall be advised, in writing, of the Commissioner's decision. If the Commissioner presides at the hearing, the parties to the hearing shall be advised of the decision within twenty-five (25) calendar days after final adjournment of the hearing.

Section 1075.730 Application for the Maintenance of Branch Office after Conversion, Consolidation, purchase of Assets or Merger
EMERGENCY

- a) With written approval of the Commissioner, a savings bank which acquires an office or offices through merger, purchase, purchase of all assets or consolidation shall assume the operation of any such acquired office(s), subject to Section 1075.740 of this Part. An existing financial institution which converts to a savings bank shall maintain all of its offices, existing or approved before the conversion, if such offices are set forth in its bylaws, adopted in accordance with Section 8001 of The Act. Offices set forth in its bylaws shall be subject to Section 1075.740 of this Part.
- b) If the Commissioner has approved a Plan of Conversion from a savings bank charter for a savings bank or has evidence of a savings bank's intent to file such Plan of Conversion, he shall deny an application for a branch office.

Section 1075.735 Redesignation of Offices
EMERGENCY

A savings bank may designate an existing branch office as its main business office and designate its existing main business office as a branch office by submitting an appropriate bylaw amendment for approval. No other Sections in Subpart G of this Part shall apply to redesignation of offices.

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Section 1075.740 Termination of Operation and/or Closing of a Branch Office
EMERGENCY

- a) A savings bank may offer to sell a branch office(s) to another savings bank or other financial institution.
- 1) Before any such sale, a copy of the proposed agreement shall be submitted to the Commissioner. Within thirty (30) calendar days the Commissioner shall notify the proposed seller, in writing, as to whether there is supervisory objection to the proposed sale, or the Commissioner may advise the proposed seller of any additional information or further review considered necessary to make such a determination. The Commissioner in considering supervisory objection shall review the policies and financial condition of the selling savings bank and the acquiring financial institution.
- 2) The selling savings bank and, if applicable, the acquiring financial institution shall submit an appropriate bylaw amendment for the Commissioner's approval.
- b) A savings bank showing justification for termination of operation and the closing of a branch office(s) may do so with the prior written approval of the Commissioner. Any request for the closing of any office shall be subject to the publication requirements of Section 1075.715(a) of this Part.
- c) The filing of a request for termination of operation and the closing of a branch office(s) shall constitute authority for the Commissioner to seek a successor to assume operation of the branch office(s).

Section 1075.745 Agency Offices
EMERGENCY

- a) A savings bank may establish or maintain agency offices which only service and originate (but do not approve) loans and contracts and/or manage or sell real estate owned by the savings bank.
- b) An agency office shall maintain records of all business it transacts and transmit copies to a branch or home office of the savings bank.

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Section 1075.750 Remote Drive-In and/or Remote Pedestrian Facilities
EMERGENCY

- a) A savings bank may, without prior approval of the Commissioner other than approval of an appropriate bylaw amendment, establish a remote drive-in and/or remote pedestrian facility in conjunction with each savings bank business office. Each such facility may be designed to simultaneously accommodate more than one customer.
- b) The term "business office" means the business office premises including non-remote drive-in and/or non-remote pedestrian facilities which are those facilities within the boundaries of real estate on which a home office or any branch office is located and the areas contiguous thereto which the savings bank has the exclusive right as owner or lessee to use or maintain for ingress or egress or for parking in connection with that business office.
- c) Remote drive-in and remote pedestrian facilities are defined as follows
 - 1) A remote drive-in facility is a facility which is not located on the premises of a business office as defined in subsection (b) above and at which the customer transacts business from a vehicle.
 - 2) A remote pedestrian facility is a facility which is not located on the premises of a business office as defined in subsection (b) above and at which the customer need not enter an office but may remain outside the structure and transact business with a teller located inside the structure.
- d) Remote drive-in and remote pedestrian facilities shall be initially located within the following limitations.
 - 1) Remote drive-in and/or remote pedestrian facilities must be initially located not more than 1500 feet from a business office of the establishing savings bank, and such initial location must be closer to a business office of the establishing savings bank than to a business office of any other savings bank or financial institution.
 - 2) Such a facility may be placed in a store or location

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of some other business if the savings bank's quarters are used exclusively for the conduct of the savings bank's business. There will be no objection to a remote pedestrian facility which faces on an enclosed mall and serves pedestrians who remain in the mall while transacting business with the savings bank.

- e) Functions which are routinely performed by the establishing savings bank's tellers at its business office(s) may be performed at a remote drive-in and/or remote pedestrian facility; however, the acceptance of a completed loan application is prohibited.

SUBPART H: CAPITAL NOTES AND DEBENTURES**Section 1075.800 Approval**
EMERGENCY

No savings bank may issue and sell its capital notes or debentures without the prior written approval of the Commissioner and subject to any conditions the Commissioner may impose. A stock savings bank shall also have the prior approval of a majority of the shareholders owning a majority of the issued and outstanding shares of the savings bank to issue convertible capital notes or debentures.

Section 1075.810 Conversion to Stock
EMERGENCY

Capital notes or debentures issued by a stock savings bank may be converted into shares in accordance with provisions approved by the Commissioner and contained in the capital notes or debentures. Convertible capital notes or debentures may be issued without preemptive rights to existing shareholders if provided by the Articles of Incorporation of the savings bank and authorized by the Commissioner.

Section 1075.820 Priority of Claim
EMERGENCY

Capital notes and debentures shall be an unsecured indebtedness of the savings bank and shall be subordinate to the claims of account holders and all other creditors of the savings bank, regardless of whether the claims of account holders or other creditors arose before or after the issuance of such debentures or capital notes. In the event of liquidation, all account holders and other creditors of the savings bank shall be entitled to be paid in full

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before any payment shall be made on account of principal or interest on capital notes or debentures. Capital notes and debentures shall contain a statement of the rights and priorities of the lenders.

SUBPART I: ADMINISTRATIVE HEARING PROCEDURES

Section 1075.900 Applicability
EMERGENCY

This regulation shall apply to all hearings conducted under the jurisdiction of the Commissioner of Savings and Residential Finance.

Section 1075.905 Definitions
EMERGENCY

Words or terms that are defined in The Act shall retain the same meaning when used in this Part.

"ACT" - Savings Bank Act (P.A. 86-1213, effective August 30, 1990).

"AGENCY" - Office of the Commissioner of Savings and Residential Finance.

"APPLICANT" - Savings bank or holding company or person whose application pending before the Commissioner is subject matter of the hearing.

"ASSOCIATION" - Every savings bank organized under and governed pursuant to the Illinois Savings Bank Act; a state chartered savings bank.

"COMMISSIONER" - Commissioner of Savings and Residential Finance for the State of Illinois.

"HEARING OFFICER" - The presiding official(s) designated by the Commissioner to conduct a hearing or anyone designated by the Commissioner to hear evidence; means any member of the panel the Commissioner appoints to conduct the hearing.

"HOLDING COMPANY" - Any company as defined in Article 2 of The Act.

"NOTICE" - Notice prescribed by The Act or this Part, as applicable.

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"OBJECTOR" - Entity or person who is on record as objecting to the application pending before the Commissioner which is the subject matter of the hearing.

"PARTY" - Entity or person named in pleading or affected by judgment.

Section 1075.910 Early Neutral Evaluation
EMERGENCY

a) Upon timely request for a hearing on an Order of the Commissioner, the Commissioner shall as quickly as feasible designate a hearing examiner.

b) Twenty (20) days after filing the request for a hearing, the respondent shall file with the hearing officer a position statement and the Commissioner shall file a copy of his or her Order. The Position Statement shall be a full, complete response to the Order and charges and findings made therein, including all relevant facts and copies of any records or documents relevant to the charge, and the Commissioner's Order shall include a copy of the Order and charges and findings therein, including all relevant facts and copies of any records or documents in support of the Order.

c) Within ten (10) days of receipt of the Position Statement and the Order, the hearing officer upon review of the Position Statement and the Order shall determine whether the matter shall be heard in a conference adjudicative hearing or a formal hearing. Notice of hearing shall be made pursuant to Sections 1075.940 and 1075.945 of this Part.

Section 1075.915 Conference Adjudicative Hearing
EMERGENCY

Applicability - a conference adjudicative hearing may be used if the matter is entirely within one of the following categories:

- a) a matter in which there is no disputed issue of material fact; or
- b) a matter in which there is a disputed issue of material fact, if that matter involves only:
 - 1) a monetary amount of not more than \$25,000;

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- 2) suspension of a director, officer, employee or affiliated person of a savings bank;
- 3) imposition of a limitation on operations;
- 4) noncompliance with the examination requirements of The Act and the rules promulgated thereunder; and
- 5) violation of an Order of the Commissioner made pursuant to Section 1075.910 of this Part or Section 9009 of The Act.

Section 1075.920 Filing
EMERGENCY

Documents and requests permitted or required to be filed with the Agency in connection with a hearing shall be addressed to and mailed to or filed with the Office of the Commissioner of Savings and Residential Finance, 500 East Monroe, Suite 800, Springfield, Illinois 62701-1509 or 205 West Randolph, Suite 1900, Chicago, Illinois 60606-1811, in triplicate. The Agency's Office is open for filing, inspection and copying of public documents from 8:30 a.m. to 5:00 p.m., Monday through Friday, except on national and state legal holidays.

Section 1075.925 Form of Documents
EMERGENCY

- a) All documents shall clearly show the title of the proceedings in connection with which they are filed.
- b) Except as otherwise provided, three (3) copies of all documents including notices, motions and petitions, shall be filed with the Agency.
- c) All documents shall be typewritten or reproduced from typewritten copy on letter or legal size white paper.
- d) One (1) copy of each document filed shall be signed by the party or by the party's authorized representative or attorney.

Section 1075.930 Computation of Time
EMERGENCY

Computation of any time prescribed by this regulation shall begin with the first business day following the date of filing of the documentation with the Agency pursuant to Section 1075.920 of this

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Part, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or national or state holiday. Where the time is five (5) days or less, Saturdays, Sundays and national or state holidays shall be excluded in the computation of time. Notice requirements shall be construed to mean notice received, but proof that notice was dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

Section 1075.935 Appearances
EMERGENCY

- a) Any person entitled to participate in proceedings may appear as follows:

- 1) a natural person may appear in that person's own behalf or by an attorney-at-law licensed to practice in the State of Illinois, or both;
- 2) a savings bank, association or other business, nonprofit or government organization, may appear by any bona fide officer, employee or representative, or may be represented by an attorney licensed to practice in the State of Illinois, or both.

- b) An attorney appearing in a representative capacity shall file a written notice of appearance.

Section 1075.940 Notice of Hearing
EMERGENCY

All administrative hearings shall be initiated by the issuance by the Agency of a written notice of hearing, which shall be served upon all known parties to the hearing.

Section 1075.945 Service of the Notice of Hearing
EMERGENCY

Service shall be complete when the notice of hearing is served in person or deposited in the United States mail, postage prepaid, registered or certified, addressed to the last known address of the person(s), partnership(s), savings bank(s), association(s), or company(s) involved, not less than ten (10) days before the date designated for the hearing.

Section 1075.950 Motion and Answer
EMERGENCY

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- a) Any party receiving a notice of hearing may file an answer not later than five (5) days before the date of hearing. All answers to motions preliminary to a hearing shall be presented to the Agency and to the hearing officer at least five (5) days before the date of hearing, or on such other date as the hearing officer shall designate and shall be served personally or by registered or certified United States mail.
- b) Unless made orally on the record during a hearing, or unless the hearing officer directs otherwise, an answer to a motion shall be in writing and shall be with any affidavits or other evidence relied upon and, as appropriate, by a proposed order. At least two (2) copies of all such motions shall be filed with the Agency (one (1) for the Agency attorney and one (1) for the hearing officer) and at least one (1) copy served on each additional party, if any, to the hearing.
- c) Within five (5) days after service of a written motion, or such other period as the hearing officer may prescribe, a party may file a response in support of or in opposition to the motion, with affidavits or other evidence. If no response is filed, the parties shall be considered to have waived objection to the granting of the motion. The moving party shall have no right to reply, except as permitted by the hearing officer.
- d) No oral argument will be heard on a motion unless the hearing officer directs otherwise. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied upon.
- e) A written motion will be disposed of by written order and on notice to all parties.
- f) The hearing officer shall rule upon all motions, except that the hearing officer shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.
- g) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.
- h) A party may participate in the proceedings without forfeiting any jurisdictional objection, if such

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objection is raised at or before the time the party files an answer or motion, or, if no answer to motion is made, before the commencement of the hearing.

Section 1075.955 Consolidation and Severance of Matters-Additional Parties EMERGENCY

For convenient, expeditious and complete determination of matters, the hearing officer may consolidate or sever hearing proceedings involving any number of parties, and may order additional parties to be brought in.

Section 1075.960 Intervention EMERGENCY

a) Upon timely written application, the hearing officer may permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when either of the following conditions are met:

- 1) when the party is so situated that said party may be adversely affected by a final order arising from the hearing; or
 - 2) when a party's circumstances and the hearing proceeding have a question of law or fact in common.
- b) Two (2) copies of a petition for intervention shall be filed with the Agency (one (1) for the Agency attorney and one (1) for the hearing officer) and one (1) copy served on each party not later than forty-eight (48) hours before the date set for hearing of the matters set forth in the notice of hearing. The hearing officer may permit later intervention when there is good cause for the delay.
- c) An intervenor shall have all the rights of an original party, except that the hearing officer may, in his order allowing intervention, provide that the applicant and objector shall be bound by orders theretofore entered or by evidence theretofore received, that the applicant and objector shall not raise issues which might more properly have been raised at an earlier stage of the proceeding, that the applicant and objector shall not raise new issues or add new parties, or that in other respects the applicant and objector shall not interfere with the

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control of the hearing, as justice and the avoidance of undue delay may require.

Section 1075.965 Postponement or Continuance of Hearing
EMERGENCY

A hearing may be postponed or continued for due cause by the Commissioner or the hearing officer upon their own motion or upon motion of a party to the hearing; such motion of the party shall set forth facts attesting that the request for continuance is not for purposes of delay. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repetitive postponements or continuances so that the subject matter of the hearing may be resolved expeditiously.

Section 1075.970 Authority of Hearing Officer
EMERGENCY

The hearing officer has the authority to conduct a hearing, take all necessary action to avoid delay, maintain order and ensure the development of a clear and complete record. The hearing officer shall have all powers necessary to conduct a hearing including the power to:

- a) administer oaths and affirmations;
- b) regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by deposition if necessary and generally conduct the proceedings according to generally recognized administrative law and Subpart I of this Part;
- c) examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony and set reasonable limits on the amount of time each witness may testify;
- d) rule upon offers of proof and receive relevant evidence;
- e) sign and issue subpoenas that require attendance, giving testimony and the production of books, papers and other documentary evidence;
- f) direct parties to appear and confer for the settlement

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or simplification of issues, and to otherwise conduct prehearing conferences;

- g) dispose of procedural requests or similar matters;
- h) render findings of fact, opinions and recommendations for an order of the Commissioner;
- i) enter any order that further carries out the purpose of Subpart I of this Part; and
- j) at the hearing officer's discretion, accept probative, relevant evidence from any entity.

Section 1075.975 Bias or Disqualification of Hearing Officer
EMERGENCY

- a) Any interested party may file a timely and sufficient affidavit setting forth allegations of personal bias, prejudice or disqualification of a presiding hearing officer. The Commissioner shall determine this issue as part of the record of the case. When a hearing officer is disqualified, or it becomes impractical for that hearing officer to continue, another hearing officer may be assigned, unless it is further shown that substantial bias or prejudice will result from that assignment.

- b) The hearing officer may at any time voluntarily disqualify the hearing officer.

Section 1075.980 Prehearing Conferences
EMERGENCY

- a) Upon written notice by the hearing officer in any proceeding, or upon written request by any party, the hearing officer may direct parties or their attorneys to appear at a specified time and place for a conference, before or during the hearing, to formulate issues and consider:

- 1) the simplification of issues;
- 2) the necessity or desirability of amending the pleadings for clarification, amplification or limitation;
- 3) the possibility of making admissions of certain averments of fact or stipulations concerning the use

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by either or both parties of matters of public record to avoid unnecessary introduction of proof;

- 4) the limitation of the number of witnesses;
 - 5) the propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and
 - 6) such other matters as may aid in the simplification of the evidence and disposition of the proceeding.
- b) Opportunity shall be afforded all parties to be represented by legal counsel and to dispose of the case by stipulation, agreed settlement or consent order, unless otherwise precluded by law. Any stipulation, agreed settlement, or consent order reached before a final determination by the Agency, shall be submitted in writing to the hearing officer and shall become effective only if approved by the hearing officer and by the Commissioner.
- c) Only if all parties to a controversy agree, a record of the prehearing conferences shall be kept. It must be certified to by the parties, then filed with the case material in the Agency files.

Section 1075.985 Discovery
Emergency

- a) The following discovery procedures may be ordered by the hearing officer upon the written request of any party where necessary to expedite the proceedings, to ensure a clear or concise record, to ensure a fair opportunity to prepare for the hearing, or to avoid surprise at the hearing:
- 1) production of documents or things;
 - 2) depositions; and
 - 3) interrogatories.
- b) The hearing officer may order the following discovery upon written request of any party:
- 1) list of persons who may know facts concerning the subjects of inquiry at the hearing; and

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- 2) reasonable inspection of books, records and documents by experts.
- c) Any person, including a party, who is deposed, interrogated or required to submit documents or things under this Part may be examined regarding any matter, not privileged, which is relevant to the subject matter of the hearing, or which may lead to the discovery of such relevant information.
- d) All depositions and interrogatories taken pursuant to Subpart I of this Part shall be for purposes of discovery only, except as herein provided. Such depositions and interrogatories may be used for purposes of impeachment and as admissions of the deposed or interrogated party. Upon application to the hearing officer either before or after the taking of such deposition or interrogatories and upon a showing that at the time of the hearing, the party deposed or interrogated will not be available to participate in the hearing because of death, age, sickness, infirmity, absence from the country or other exceptional circumstances, the hearing officer may order that the deposition or interrogatories be used as evidence in the hearing.
- e) Nothing contained herein shall be construed to broaden the limitations imposed upon examination of books and records of the savings bank as prohibited by Section 4013(a) of The Act.

Section 1075.990 Subpoenas
EMERGENCY

- a) Upon application to the hearing officer by any party, the hearing officer may issue a subpoena for attendance at deposition or hearing, which may include a command to produce books, papers, documents or tangible things designated therein and reasonably necessary to resolution of the matter under consideration, subject to the limitations on discovery prescribed by Subpart I of this Part.
- b) Every subpoena shall state the title of the action and shall command each person to whom it is directed to attend and give testimony at the time and place therein specified.
- c) The hearing officer or the Commissioner, upon motion made

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promptly and in any event at or before the time specified in the subpoena for compliance therewith, may quash or modify the subpoena if it is unreasonable and oppressive.

Section 1075.995 Conduct of the Hearing
EMERGENCY

- a) All hearings shall be public unless required by statute to be otherwise. Any person may submit written statements relevant to the subject matter of the hearing. Any person submitting such a statement shall be subject to cross-examination by any party. If such person is not available for cross-examination upon timely request, the written statement shall be stricken from the record. The hearing officer may take evidence from any person whether such person is a party to the proceedings.
- b) The following shall be the order of proceedings of all hearings, subject to modification by the hearing officer for good cause:
 - 1) presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the notice or answer;
 - 2) presentation of opening statements;
 - 3) applicant's case in chief;
 - 4) objector's case in chief;
 - 5) applicant's case in rebuttal;
 - 6) statements from interested citizens, if authorized by the hearing officer;
 - 7) objector's closing statement;
 - 8) applicant's closing statement;
 - 9) presentation and argument of all motions before final order;
 - 10) presentation of written briefs pursuant to Section 1075.1025 of this Part; and
 - 11) filing of proposed findings of fact and conclusions of law upon order of the hearing officer.

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Section 1075.1000 Default
EMERGENCY

Failure of a party to appear on the date set for hearing, or failure to proceed as ordered by the hearing officer, shall constitute a default. The hearing officer shall thereupon enter such findings, opinions and recommendations as is appropriate under the pleadings and such evidence as he shall receive into his record.

Section 1075.1005 Evidence
EMERGENCY

- a) The hearing officer shall receive evidence which is admissible under the law of the rules of evidence of Illinois pertaining to civil actions. In addition, the hearing officer may receive material, relevant evidence, which would be relied upon by a reasonably prudent person in the conduct of serious affairs, which is reasonably reliable and reasonably necessary to resolution of the issue for which it is offered; provided that the rules relating to privileged communications and privileged topics shall be observed.
- b) The hearing officer shall exclude immaterial, irrelevant and repetitious evidence.
- c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the hearing officer shall admit such evidence.
- d) A party may conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination can be shown to be necessary and pertinent to a full and fair disclosure of the subject matter of the hearing.

Section 1075.1010 Official Notice
EMERGENCY

Official notice may be taken of all facts of which judicial notice may be taken and of other facts, of a technical nature, within the specialized knowledge and experience of the Agency.

Section 1075.1015 Hostile Witnesses
EMERGENCY

- a) If the hearing officer determines that a witness is

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hostile or unwilling, such witness may be examined by the party calling said witness as if under cross-examination.

- b) The party calling an occurrence witness, upon the showing that said party called the witness in good faith and is surprised by such witness's testimony, may impeach the witness by proof of prior inconsistent statements.

Section 1075.1020 Transcription of Proceedings
EMERGENCY

- a) Oral proceedings at which evidence is presented shall be recorded either by a certified court reporter or a mechanical recording device. Any transcription will be retained through and including the time allotted for appeal, revision, rehearing or other manner of review before final disposition as provided for by the agency or by law.

- b) The transcript and the record offered in connection with the hearing shall constitute the official record.

- c) The record in an administrative hearing shall include:

- 1) prehearing records;
- 2) all pleadings (including all notices and answers, motions, briefs and rulings);
- 3) evidence received;
- 4) a statement of matters officially noticed;
- 5) offers of proof, objections and rulings; and
- 6) findings, opinions and recommendations of the hearing officer.

Section 1075.1025 Briefs
EMERGENCY

The parties may submit written briefs to the hearing officer within ten (10) days after the close of the hearing, or such other reasonable time as the hearing officer shall determine consistent with the Commissioner's responsibility for expeditious decision.

Section 1075.1030 Hearing Officer's Findings, Opinions and Recommendations

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EMERGENCY

- a) The hearing officer's findings, opinions and recommendations shall be in writing and shall include findings of fact and conclusions of law, or opinions separately stated when possible. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of fact, if set forth in statutory language, shall be with a statement of the underlying supporting facts. If a party submits proposed findings of fact which may control the decision or order, the decision or order shall include a ruling upon each proposed finding. Each conclusion of law shall be supported by authority or reasoned opinion. A decision or order shall not be made except upon consideration of the record as a whole or such portion thereof as may be supported by competent material and substantial evidence.

- b) The hearing officer shall then submit findings, opinions and recommendations to the Commissioner.

Section 1075.1035 Order of the Commissioner
EMERGENCY

- a) The Commissioner shall review the hearing officer's findings, opinions and recommendations and shall issue an order as set forth by applicable statutes or within a reasonable time.

- b) The decision in the case will become effective immediately upon the execution of a written order, or as otherwise specified by either the order or applicable statute.

- c) Parties shall be immediately notified either personally or by mail, postage prepaid, certified or registered, addressed to the last known address of the person, partnership, association or company involved, of the order. A copy of the order shall be delivered or mailed to each party and to the party's attorney of record.

- d) The Commissioner, may, as part of said order, require any party to the proceeding to pay part or all the costs of the hearing, including but not limited to: witness fees; court reporter fees; hearing officer fees; and the cost of the transcript.

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Section 1075.1040 Rehearings

EMERGENCY

- a) Except as otherwise provided by law, and for good cause shown, the Commissioner may in the Commissioner's discretion order a rehearing in a contested case on petition of an interested party.
- b) Where the record of testimony made at the hearing is found by the Commissioner to be inadequate for purposes of judicial review, the Commissioner may order a reopening of the hearing.
- c) A motion for rehearing or a motion for the reopening of a hearing shall be filed within ten (10) days of the date of mailing of the Commissioner's order. A rehearing shall be noticed and conducted in the same manner as an original hearing. The evidence received at the rehearing shall be included in the record for the Commissioner's reconsideration and for judicial review. A decision or order may be amended or vacated after hearing.

Section 1075.1045 Existing Statutory or Agency Procedures and Practices
EMERGENCY

Subpart I of this Part shall not be construed to limit or repeal additional requirements imposed by Statute or otherwise, or to change existing Agency procedures which are equivalent to or exceed the standards or administrative procedure prescribed in Subpart I of this Part.

Section 1075.1050 Costs of Hearing

EMERGENCY

In addition to filing fees set forth in Section 1075.100 of this Part, each party to the hearing shall be required to pay its pro rata share of expenses including the hearing officer; transcript and such other incidental cost as may be authorized by the hearing officer or by the Commissioner, unless waived by the Commissioner.

Section 1075.1055 Emergency Adjudication

EMERGENCY

- a) The Commissioner may use emergency adjudication proceedings in a situation involving an immediate danger to the public or welfare requiring immediate Agency action.

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- b) The Commissioner may take only such action as is necessary to prevent or avoid the immediate danger to the public interest or welfare that justifies use of emergency adjudication.

- c) The Commissioner shall render an Order, including a brief statement of findings of fact, conclusions of law, and policy reasons for the decision if it is an exercise of the Commissioner's discretion, to justify the determination of an immediate danger and the Commissioner's decision to take the specific action.

- d) The Agency shall give such notice as is practicable to persons who are required to comply with the Order. The Order is effective when rendered.

- e) After issuing an Order pursuant to this Section 1075.1055 of this Part, the Agency shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

- f) The Commissioner's record consists of any documents regarding the matter that were considered or prepared by the Agency. The Commissioner shall maintain these documents as its official records.

- g) Unless otherwise required by a provision of law, the Commissioner's record need not constitute the exclusive basis for the Commissioner's action in emergency adjudication or for judicial review thereof. Under Section 1075.1055 of this Part, the Commissioner may act on the basis of nonrecord information and may render his or her Order orally, if necessary, to cope with the emergency.

SUBPART J: SAVINGS BANK HOLDING COMPANIES

Section 1075.1100 Applicability

EMERGENCY

- a) Subpart J of this Part shall apply to all stock holding companies, mutual holding companies or savings banks that directly or indirectly, own or control or seek to own or control 25 percent or more of the voting shares or rights of any insured institution in any manner, except where such ownership arises in the regular course of business as set forth in Section 2001.05 of The Act.

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- b) Except with the permission of the Commissioner, and the Federal Reserve Board ("FRB"), no company shall become a savings bank holding company with the power to hold or vote, directly or indirectly, 25 percent or more of the voting stock of one or more institution.

Section 1075.1105 Plain Meaning/Strict Interpretation
EMERGENCY

As used in this Part, unless the context indicates otherwise, all words shall have their plain meaning, and as used in this Part, all regulations in this Part shall be subject to strict interpretation.

Section 1075.1110 Affiliate
EMERGENCY

An affiliate of, or a person affiliated with, a specific person, is a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified.

Section 1075.1115 Assets
EMERGENCY

Assets of a savings bank means the total assets of the savings bank minus goodwill and any other intangible assets, including but not limited to, purchased deposit base and branch network, and leasehold improvements net of accumulated depreciation.

Section 1075.1120 Books of Record
EMERGENCY

Books or records wherein the original accounting entries are recorded, presented, etc. and maintained as a part of an accounting number finally presented in the financial statements of an entity. Examples include: check registers, loan registers, cash disbursements ledgers, capital asset ledgers, general ledgers, working trial balances.

Section 1075.1125 Capital Stock
EMERGENCY

The term "capital stock" includes common stock, guaranty stock, permanent reserve stock, or any similar certificate evidencing non-withdrawable capital.

Section 1075.1130 Charter
EMERGENCY

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The term "charter" includes Articles of Incorporation, articles of association, or any similar instrument, as amended, effecting (either with or without filing with any government agency) the organization or creation of an incorporated or unincorporated person.

Section 1075.1135 Control
EMERGENCY

The term "control" (including the terms "controlling", "controlled by", and "under common control with") means to have, direct or indirect, the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract or otherwise.

Section 1075.1140 Eligible Account Holder
EMERGENCY

The term "eligible account holder" means any person holding a qualifying deposit as of a given date.

Section 1075.1145 Eligibility Record Date
EMERGENCY

"Eligibility record date" shall mean the record date for determining eligible account holders of an institution.

Section 1075.1150 Employee
EMERGENCY

The term "employee" does not include an officer or a director.

Section 1075.1155 Equity Security
EMERGENCY

The term "equity security" means any stock or similar security or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such security, or any such warrant or right.

Section 1075.1160 Insured Institution
EMERGENCY

For purposes of this Part, the term "insured institution" shall include any institution with accounts insured by the Federal Deposit Insurance Corporation ("FDIC").

Section 1075.1165 Member

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EMERGENCY

The term "member" means any person qualifying as a member of an insured institution pursuant to its charter or bylaws.

Section 1075.1170 Net Worth
EMERGENCY

The term "net worth" means the aggregate of capital stock accounts, capital surplus and retained earnings accounts and all other reserve accounts except valuation reserves and specific reserves which are in the nature of valuation reserves.

Section 1075.1175 Officer
EMERGENCY

The term "officer" means the chairman of the board, president, vice-president, secretary, treasurer, or principal financial officer, comptroller or principal accounting officer, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

Section 1075.1180 Person
EMERGENCY

The term "person" shall mean an individual, a corporation, a partnership, an association, a joint stock company, a trust, any incorporated organization whether incorporated or unincorporated.

Section 1075.1185 Qualifying Deposit
EMERGENCY

The term "qualifying deposit" shall be the total of the deposit balances in the eligible account holders savings accounts as of the close of business on the eligibility record date. However, the Plan of Conversion may provide that any savings account with total deposit balances of less than \$50.00 (or any lesser amounts) shall not constitute a qualifying deposit.

Section 1075.1190 Sale
EMERGENCY

The term "sale" and "sell" includes every contract to sell or otherwise dispose of a security or interest in a security for value, but such terms do not include an exchange of securities in connection with a merger or acquisition approved by the Commissioner, or the FDIC.

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Section 1075.1195 Security
EMERGENCY

The term "security" includes any stock, note, treasury stock, bond, debenture, transferable share, investment contract, voting trust certificate, or in general, any instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant, or right to subscribe to or purchase any of the foregoing.

Section 1075.1200 Source Documents
EMERGENCY

The term "source documents" means documents which record the transaction of a business event, such as a sale of inventory, a purchase of a capital asset, establishment of a debt, or receipt of goods ordered. Typical source documents include sales invoices, bills of sale, purchase orders, and delivery tickets. Periodic invoices and statements of account are also examples of source documents.

Section 1075.1205 Subsidiary
EMERGENCY

A "subsidiary" of a specified person is an affiliate, controlled by such person, directly or indirectly through one or more intermediaries.

Section 1075.1210 Liquidation Account and Proxies
EMERGENCY

- a) Each mutual savings bank converting to form a holding company must establish a "liquidation account" for members of the mutual savings bank before conversion. The total amount allocated to the liquidation account shall be equivalent to the amount of stock issued to the holding company by the stock subsidiary upon infusion of assets and liabilities to the stock subsidiary.
- b) Each member of the liquidation account who maintains an account in the stock subsidiary savings bank(s) shall be entitled, upon liquidation of the mutual holding company, to a fractional share of the value of the mutual holding company. The numerator of the fractional share shall be the amount of qualifying deposits in the member's account on the record eligibility date, which date shall be set by the board of directors in their Plan of Conversion and/or application to form a mutual holding company,

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and/or the supplemental eligibility record date and the denominator of the fractional share shall be the total amount of qualifying deposits of all eligible and supplemental eligible account holders in the converting mutual savings bank on the eligibility record date. Any plan to liquidate the mutual holding company must be approved by the Commissioner and must satisfy all claims of creditors, including liquidation account holders. Any remaining value in the mutual holding company shall be transferred to the capital accounts of the subsidiary stock savings bank(s).

- c) All proxies previously executed and assigned by members of the mutual savings bank converting to form a holding company shall remain valid and effective without impairment as long as the member maintains an account in the new stock savings bank.

Section 1075.1215 Mutual Holding Company Ceasing to be a Depository Institution
EMERGENCY

- a) Each mutual savings bank which converts to holding company status in conjunction with the chartering of a stock subsidiary shall be issued a "restated or amended charter" as a mutual thrift holding company by the Commissioner and the directors shall either return the original charter, insurance undertakings and certificate of insurance to the issuing authority, as evidence of ceasing to be an insured depository institution. These items may be transferred to the stock subsidiary with permission of the Commissioner. Such permission shall be given upon successful completion of an examination to assure conformance with regulatory and statutory requirements.

- b) Upon the issuance of the charter as a mutual savings bank by the Commissioner, a mutual holding company shall cease to be a savings bank, thrift, savings and loan association, or depository institution of any type.

Section 1075.1220 Directors of a Mutual Holding Company
EMERGENCY

- a) Each new board of directors for the holding company shall be selected by vote of members, in a process to be determined by the bylaws of each entity.

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- b) Each board of directors shall have at least five (5) members.
- c) Sections 4008, 4009, 4010, and Article 11 of The Act shall apply to a mutual holding company with regard to directors' vacancies, directors' attendance at meetings, qualifications to be a director, enforcement powers, and similar matters, except that the holding company may file a written request for waiver of compliance with any provision with the Commissioner. Such request must provide detailed discussion of the grounds for such request. In determining whether to grant a waiver of compliance, the Commissioner shall consider the following factors, including, but not limited to:

- 1) where application of those provisions to holding companies would be inappropriate because the provisions were drafted for savings and loans;
 - 2) where a holding company and its subsidiary meet or exceed all applicable capital requirements and are not in violation of any statutes or rules;
 - 3) where there are not current contested or regulatory matters; and
 - 4) where waiver would work undue hardship or result in undue advantage or risk, prejudicing a situation currently or in the future.
- d) Upon creation of the stock subsidiary, the board of directors of the original mutual savings bank shall nominate a board of directors for the stock subsidiary.
- e) A mutual holding company may provide for cumulative voting for directors in its bylaws.

Section 1075.1225 Stock Sales
EMERGENCY

At least 51 percent of the stock issued by the subsidiary stock savings bank must be owned by the holding company.

Section 1075.1230 Stock of a Subsidiary of a Mutual Holding Company
EMERGENCY

- a) The stock subsidiary shall issue shares to the holding

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- company only after sufficient assets to match transferred deposit liabilities are transferred to the subsidiary and after written confirmation of continuation of insurance of accounts is received from the appropriate Federal Depository Insurance Corporation or its agent.
- b) Stock issuance shall initially be only common stock, but other classes of stock may be issued upon application to and approval by the Commissioner.
- c) Each share of common stock shall entitle its owner to one vote.

Section 1075.1235 Stock Subsidiary Formation
EMERGENCY

In conjunction with the formation of a stock subsidiary of a mutual thrift holding company, the requirements of Article 3, INCORPORATION AND ORGANIZATION, of The Act shall apply with the following additions.

- a) In the case of a change of corporate form, which does not alter the assets and liabilities of the original savings bank as transferred to the resulting stock subsidiary with regard to their amount or quality, the "minimum initial capital...which would be required to obtain insurance of accounts by the Federal Deposit Insurance Corporation" shall mean the amount of minimum capital which the original savings bank was required to have to maintain its federal insurance of accounts.
- b) The application to organize shall be made by the directors of the original savings bank. Copies of directors' and officers' affidavits and statements of personal interest from the last five (5) years' examination reports may be submitted to the Commissioner to the extent that they provide business and financial information on affiliations with any other financial institutions. Each applicant shall submit amendments to these materials to provide omitted, but required, information.
- c) Exhibits and maps shall display the original and new savings bank's customer area, and provide quarterly Federal and/or State reports for the four quarters preceding application, as well as the original savings bank's last two (2) audited financial statements.

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- d) The Commissioner may require information as to:
- 1) how stock shall be distributed. Such reports shall be required upon formation of the holding company, before issuance or marketing of stock and at any other time necessary to ensure fundamental fairness to stockholders, members, depositors and for reasons related to the safe and sound financial operation of the savings bank;
 - 2) whether depositors of the old savings bank shall continue to hold voting and membership rights in the new savings bank;
 - 3) the form and manner of expressing ownership; and
 - 4) the amount of treasury stock which shall be held; and any planned issuances of capital stock or equity securities, with projected dates and amounts.
- e) Once the stock subsidiary is formed, if the original mutual savings bank no longer retains any deposits, it shall no longer be required to maintain insurance of accounts.

Section 1075.1240 Net Worth Maintenance Agreement
EMERGENCY

- a) The Commissioner shall require each mutual holding company to execute a "Net Worth Maintenance Agreement" for each subsidiary depository institution it acquires. Under this Agreement the holding company shall contractually agree to infuse equity capital as needed to maintain capital at a predetermined level for each subsidiary depository institution. The Agreement shall:
- 1) be for a specified term, in a higher amount to be set by the Commissioner taking into account such factors: capital risk (the risk from normal internal operations of the savings bank), market volatility (external risk to the savings bank's operations generated by uncontrolled factors such as: equity and bond markets, money supply, inflation), and stock ownership patterns (such as common, voting common, voting preferred, non-voting preferred, etc.);
 - 2) explicitly consent to the Commissioner's authority

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to require infusion of additional equity capital when he determines the savings bank fails to meet its capital requirements. Such a determination shall be in accordance with Section 5007 of The Act;

- 3) explicitly give the Commissioner the right to vote and dispose of the stock of any subsidiary institutions whose capital is not restored within five (5) business days of the Commissioner's determination of the need for additional capital; and
- 4) establish procedures to effectuate subsection (a)(3) above including provision of notice to all affected parties and selection of time and place at which the vote and disposition will occur.

b) The Commissioner's right to vote stock shall include all shareholder matters, including the right to remove and replace the Board of Directors, the right to merge the savings bank and the right to sell the stock.

c) The Commissioner shall base determination of a capital deficiency upon:

- 1) reports from the subsidiary savings bank or the mutual holding company and, or;
- 2) audited financial statement of the mutual holding company or the subsidiary savings bank and, or;
- 3) examination, including examination by another government regulator, or a federal deposit insurance company, of the mutual holding company or the subsidiary savings bank.

d) In determining adequacy of capital, the Commissioner shall review and examine the financial condition of entities which are affiliates or subsidiaries of the holding company and of the subsidiary savings bank. If there is a determination by the Commissioner that the subsidiary activity of the holding company represents a higher level of risk to the savings bank that existed before the application of the holding company formation, a higher capital amount shall be required and the basis of the Commissioner's decision shall be communicated in writing within thirty (30) days to the savings bank and holding company.

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- e) All infusions to capital under Section 1075.1240 of this Part must be in cash or cash equivalent instruments such as: overnight deposits and federal funds.

Section 1075.1245 Members' Rights EMERGENCY

Rights of members of the original mutual thrift savings bank shall be transferred to the mutual holding company, except that a savings bank may eliminate borrowers' rights in the process of forming the holding company by incorporating a new definition of membership in the holding company's and subsidiaries' Articles of Incorporation. Each depositor in the stock subsidiary shall be a member of the mutual holding company and shall have one vote for each \$100.00 of value of each account.

Section 1075.1250 Investment EMERGENCY

A mutual holding company may invest in the stock of or other forms of equity ownership of any company or entity which the board of directors determines to be in the best interests of stock owners and depositors, and such investment shall be documented in the holding company's minutes with reference to items such as price/earnings rates, future prospects, sources of income, level of risk, compatibility with the overall business plan of the holding company and complete disclosure of any directors', officers', employees' or 5 percent or more stockholders' interests in the entity.

Section 1075.1255 Notice Requirement/Corrective Action EMERGENCY

A holding company shall give immediate written notice to the Commissioner of any corrective action ordered or requested by a governmental agency, relative to the financial affairs of the holding company, except those actions ordered by the Commissioner of Savings and Residential Finance. A holding company shall give written notice before acting upon such orders or requests, except when such order is effective immediately upon receipt. The method of transmittal shall be by messenger mail, private messenger service or telefax transmittal. Any such corrective actions required to be performed immediately shall be reported to the Commissioner within twenty-four (24) hours of receipt.

Section 1075.1260 Insider Abuses EMERGENCY

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Matters or issues resulting from apparent wrongdoing, including insider abuses, shall be brought to the Commissioner's attention within ten (10) business days after discovery, by the appropriate management personnel of the holding company. Copies of any required reports including police and Federal Bureau of Investigation reports shall be included with the notification to the Commissioner.

Section 1075.1265 Determination of the Qualification and Condition of an Out-of-State Acquisition
EMERGENCY

When requested, the Commissioner shall review the laws of any state to determine whether the laws of that state expressly authorize an Illinois savings bank holding company to acquire a savings bank or savings bank holding company in that state. The Commissioner shall issue a finding that such other state law either does or does not provide qualifications and conditions which are unduly restrictive for the acquisition when compared to those imposed by the laws of Illinois.

Section 1075.1270 Disposal of a Subsidiary
EMERGENCY

Each holding company disposing of a subsidiary shall give not less than thirty (30) days prior notice of such planned disposition to the Commissioner.

Section 1075.1275 Dividends
EMERGENCY

The declaration of dividends on capital by a stock subsidiary shall be subject to the following restrictions.

- a) No dividends may be declared when the total amount of capital of such subsidiary is less than that required by the Commissioner as set forth in Section 5007 of The Act.
- b) Cash dividends may be declared as often as quarterly on shares of stock, after payment or provision has been made for all expenses, losses, required reserves and dividends on withdrawable capital. A stock dividend may be declared out of undivided profits at any time.

Section 1075.1280 Officers and Directors List
EMERGENCY

The secretary of each holding company shall submit to the

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Commissioner a list of all officers and directors of the holding company. This list shall be submitted within ten (10) days after the election of the holding company's board of directors, and any changes or additions in the list shall be submitted to the Commissioner within ten (10) days after the occurrence of such change or addition. Along with such list there shall also be submitted an affidavit executed by each officer and director containing a statement which shall set forth details as to the present and, for the five (5) years preceding the business of every officer and director and the nature of their prior affiliations with any other financial institution, and its subsidiaries, holding company or subsidiary of a financial institution holding company.

Section 1075.1285 Access to Books and Records
EMERGENCY

Access to subsidiaries' and holding companies' books and records shall be subject to The Act, the Illinois Business Corporations Act (Ill. Rev. Stat. 1987, ch. 32, par. 157.1 et seq.), the Illinois Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 201 et seq.), and the United States Administrative Procedure Act (5 U.S.C. 552). Access to the books and records of savings banks held as subsidiaries shall be subject to Section 4013 of The Act.

Section 1075.1290 Annual Audit Requirements
EMERGENCY

Every registrant shall cause its books and records to be audited at least once annually by an independent licensed public accountant. The Commissioner shall receive a copy of the licensed public accountant's annual audit report, along with all supporting documentation. The report of audit shall be on a consolidated basis unless, in the auditor's opinion, certain subsidiaries or parent entities should be reported on separately. If separate reports are prepared, they should be prepared on the same basis as the report on the holding company. A "registrant", for purposes of Section 1075.1290 of this Part, shall refer to each holding company subject to Section 2002 of The Act.

Section 1075.1295 Maintenance of Records
EMERGENCY

Every registrant shall maintain such corporate books and records as may be necessary to facilitate a full, complete examination of the activities of the entity. While the books and records will be primarily of an accounting nature, certain other records such as minutes of meetings shall be required to document review and

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approval of activities and plans.

- a) All accounting records shall be maintained in accordance with Generally Accepted Accounting Principles.
- b) All stock entities shall maintain or cause to be maintained on their behalf full, complete lists of stockholders including address, state of residence, taxpayer identification number, amount of stock owned, and any other data considered necessary.
- c) All registrants shall prepare and maintain a full, complete book of minutes for meetings of the board of directors, executive management committees, and other meetings wherein business of a substantial nature is contemplated or transacted. This requirement shall be in effect for all subsidiary entities of the registrants as well.
- d) Primary records such as books of record and source documents shall be maintained by the individual registrant for a period of not less than seven (7) years, provided that if a longer retention period is prescribed by another regulatory body having jurisdiction over the registrant, that longer period shall be followed.

Section 1075.1300 Notice of Appointment of Independent Accountants
EMERGENCY

- a) Notice shall be made to the Commissioner of the appointment of the licensed public accountant not less than sixty (60) days before the fiscal year-end of the holding companies. Any change in the licensed public accountants shall be forwarded to the Commissioner within sixty (60) days of such change along with a letter from the replaced accountant stating whether the change was the result of a dispute over the accounting treatment of a material matter.
- b) Copies of the Annual Audit shall be filed, in triplicate, with the Commissioner's Office within ninety (90) days of the fiscal year-end of the registrant.

Section 1075.1305 Holding Company Filing Fees
EMERGENCY

Filings pertaining to matters named hereafter shall be subject to

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the indicated fee. Such fee shall be paid at the Commissioner's Office at the time of filing. Payment shall be by check, draft, or money order made payable to the Commissioner of Savings and Residential Finance.

- a) Registration fee
(Section 2002 of The Act) \$1,000.00.
- b) Conversion of Charter
(Article 8 of The Act) \$2,500.00.

(Although conversion may occur, if a state-chartered savings bank is held, the holding company will still have to be licensed by the Office of the Commissioner of Savings and Residential Finance.)

- c) Hearing or Oral Argument - each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument.
(Section 9018 of The Act) \$ 500.00.
- d) Application for Subsidiary Acquisition Fee, Illinois Savings Bank Holding Company.
(Article 2005 of The Act) \$ 250.00.

Section 1075.1310 Holding Company Supervisory Fees
EMERGENCY

- a) Each savings bank holding company operating under The Act as of the close of each calendar year shall pay annually to the Commissioner a fee of \$5.00 per million dollars of consolidated assets (excluding the assets of any Illinois state-chartered savings bank or savings and loan association) of the savings bank holding company and its subsidiaries. Such fee shall be based on the total assets of each savings bank holding company and each subsidiary as shown by its financial report filed with the Commissioner for the reporting period ended December 31. Such fees shall be for the calendar year then ended. Computations shall omit hundreds from the total assets and the fee shall be rounded to the nearest dollar

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amount.

- b) One fourth of the sum of the supervisory fee so determined shall be remitted at the time of each calendar quarter end. A calendar quarter end shall mean March 31, June 30, September 30, and December 31. Such fees shall be for the respective current calendar year.
- c) Supervisory fees shall be determined by the Commissioner within ninety (90) days following the close of the respective calendar year; however, the dates of billings shall not prejudice the validity of an invoice for any such fees billed at a later date.
- d) In the situation where service corporations and/or finance subsidiaries are owned by the savings bank, the owned assets may be consolidated with the assets of the savings bank for calculation of this fee. If the finance subsidiary is not active and is in the form of a Collateralized Mortgage Obligation or a similar vehicle, the Commissioner shall waive that portion of the fee attributed to the finance subsidiary.
- e) In the event the state charter is converted or otherwise surrendered during the year, the Commissioner shall determine the supervisory fee based on the total assets of the savings bank holding company as of the month-end immediately preceding the cancellation of the state charter, except that the measurement date may be another date at the discretion of the Commissioner in the event an savings bank holding company elects to liquidate. In determining whether to set another measurement date, the Commissioner shall consider the following elements: whether the savings bank is undergoing a planned liquidation (where an savings bank elects to not continue operations), or, the savings bank has transferred significant assets (more than 1/2 of 1 percent of the total assets at the previous measurement date).

Section 1075.1315 Examination Fees
EMERGENCY

Time expended in the conduct of any examination of the affairs of any savings bank or service corporation pursuant to Section 9004 of The Act or applicable service corporation undertakings, respectively, shall be billed by the Commissioner at a rate of \$29.00 per examiner hour. Such fee shall be billed within forty-five (45) days following completion of the respective

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examination. In the situation where examination procedures are performed at out-of-state locations, the examination fee of \$29.00 per hour plus travel, lodging and per diem shall be assessed. Additionally, travel time shall be billed at the examination rate of \$29.00 per hour.

Section 1075.1320 Conditions
EMERGENCY

- a) No submission subject to a fee shall be considered complete without the stipulated fee.
- b) The fee shall be non-refundable regardless of the subsequent action with respect to the submission.

Section 1075.1325 Manner of Payment
EMERGENCY

Each invoice for a fee billed by the Commissioner pursuant to Sections 1075.1305, 1075.1310 and 1075.1315 of this Part shall be due and payable upon receipt of same by the savings bank or service corporation. Payment shall be by check, draft or money order made payable to the Commissioner of Savings and Residential Finance.

SUBPART K: CONVERSION OF AN EXISTING DEPOSITORY INSTITUTION INTO AN ILLINOIS SAVINGS BANK**Section 1075.1400 Scope of Rules**
EMERGENCY

No existing depository institution shall convert to an Illinois savings bank without the written approval of the Commissioner pursuant to these rules.

Section 1075.1405 Definitions
EMERGENCY

Words or terms that are defined in The Act shall retain the same meaning when used in these regulations.

"APPLICANT" means an existing depository institution that has applied to convert to an Illinois savings bank pursuant to these provisions.

"CONVERSION PLAN" means a plan adopted by an existing depository institution in order to convert into an Illinois savings bank pursuant to these regulations.

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"CONVERTING DEPOSITORY INSTITUTION" or "CONVERTING INSTITUTION" means an existing depository institution that is in the process of converting to an Illinois savings bank.

"RESULTING SAVINGS BANK" means an existing depository institution that has converted to an Illinois savings bank pursuant to these regulations.

Section 1075.1410 General Rules for Conversions
EMERGENCY

a) An application for conversion shall be approved only if the Commissioner finds that:

- 1) the conversion plan adopted by the applicant's board of directors or trustees (hereinafter "board") complies with the provisions of these regulations and other applicable provisions of law;
 - 2) the resulting savings bank will operate in a safe, sound and prudent manner;
 - 3) the conversion plan will result in a savings bank that has adequate capital, and satisfactory management and earnings prospects as prescribed in The Act;
 - 4) the owners and directors of the converting depository institution and of the resulting savings bank are qualified by character and financial responsibility to legally and properly control and operate the proposed savings bank to be formed as a result of the conversion plan;
 - 5) the converting depository institution has taken steps to obtain insurance of accounts from the deposit insurance corporation;
 - 6) the conversion plan is equitable to account holders, borrowers, creditors, employees or stockholders and is in the public interest; and
 - 7) the converting institution has paid all outstanding bills for supervisory fees, examination fees, and penalties associated with its original charter.
- b) The experience and the performance record of the persons

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to be in control or in key management positions shall be evaluated by the Commissioner as to the probability of sound operation of the resulting savings bank.

c) The Commissioner shall make the same investigation and determine the same questions as would be required by law to make and determine in the case of the submission to the Commissioner of an Articles of Incorporation for a proposed new Illinois savings bank.

d) A conversion plan shall be approved if it is in compliance with applicable state and federal law.

Section 1075.1415 Adopting and Filing of a Conversion Plan
EMERGENCY

a) The board of directors of an existing depository institution desiring to convert in accordance with these regulations shall adopt a conversion plan at a meeting of such board of directors.

b) Upon the adoption of the conversion plan as provided in subsection (a) above, an existing depository institution shall file with the Commissioner three copies of the application for approval of a Plan of Conversion, which shall include the conversion plan and each document required to be part of the conversion plan. The application shall be in the form required by the Commissioner.

c) An application for approval of a conversion plan shall contain:

- 1) certification by the presiding officer and/or secretary of the depository institution of the resolutions of the board of directors adopting the conversion plan and authorizing the filing of the application for approval of the conversion plan;
- 2) a copy of the conversion plan, signed by the president of the depository institution and attested by its secretary;
- 3) a duly adopted amendment to the by-laws of the depository institution specifying that notwithstanding any contrary provision of its by-laws, its conversion from its present original status to an Illinois savings bank shall be in

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accordance with the provisions of The Act and the rules promulgated thereunder;

- 4) a proposed set of amended or restated Articles of Incorporation as an Illinois savings bank; and
- 5) such other information as the Commissioner may require upon written notice to the converting depository institution.

Section 1075.1420 Conversion Plan Requirements
EMERGENCY

a) The Plan of Conversion shall:

- 1) state the business purposes to be accomplished by the Plan of Conversion including why the board of directors believe the conversion would be in the best interest of the existing depository institution and the public;
- 2) set forth the terms of the conversion and the manner in which it is to be accomplished;
- 3) provide a business plan of the resulting savings bank for the three-year period following the conversion. The plan shall contain the following:

- A) introduction;
 - B) mission statement;
 - C) corporate objectives;
 - D) corporate strategies;
 - E) financial projections including annual pro forma balance sheets, statements of financial condition, and income and expense reports; and
 - F) proposed charter, Articles of Incorporation, and by-laws;
- 4) list the names and addresses of directors and officers, including all officers through the level of vice-president or any others with equivalent responsibility or power, of the converting depository institution. Also, if the converting

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institution contemplates changes of the directors or officers upon becoming a savings bank, then the names and addresses of such persons shall be provided. For all named persons, provide any annual directors' and officers' reports filed with any regulatory authority for the last five (5) years before the date of this conversion plan;

- 5) each person listed in subsection (a)(4) above shall provide a statement setting forth the details for the five (5) years preceding the adoption of the conversion plan her or his present business, her or his financial statement and the nature and extent of her or his prior affiliations with, including the officers, directors and 10 percent or more stockholders of, any other financial institution;
- 6) each director listed in subsection (a)(4) above shall provide true copies of her or his state and federal income tax returns for the two (2) years preceding the adoption of conversion plan by the board of directors;
- 7) each person listed in subsection (a)(4) above shall execute and submit as part of the conversion plan, an affidavit setting forth all felony convictions and civil or administrative sanctions and all involvement in pending litigation pertaining to them;
- 8) provide the names and addresses of all persons or entities that own, control, hold with the power to vote, or hold proxies representing 10 percent or more of the shares of the converting depository institution;
- 9) provide the addresses and telephone numbers for all offices and branches of the applicant;
- 10) provide all documents in connection with any transfer or conversion to a stock institution by converting institution within the three (3) years preceding application for approval of a conversion plan;
- 11) provide that the conversion plan adopted by the applicant's board of directors may be substantively amended by the board as a result of the comments of

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regulatory authorities and at any time with the approval of the Commissioner; and that the conversion may be terminated by the board at any time;

- 12) establish a time period within which the conversion must be completed. The completion date shall not be completed more than six (6) months from the date that the board or directors approves the plan and shall not be extended by the converting institution without approval of the Commissioner;
- 13) set forth the sequence and timing of the events connected with the conversion plan;
- 14) list the estimated expenses of the conversion to the applicant and provide that expenses incurred shall be reasonable;
- 15) furnish an opinion of the applicant's counsel as to compliance with all applicable requirements of state and federal law;
- 16) furnish an opinion of the applicant's tax advisor or certified public accountant or an Internal Revenue ruling as to the tax consequences of the conversion plan to the applicant and, if applicable, to account holders or share holders;
- 17) furnish, if applicable, an opinion of the applicant's tax advisor or certified public accountant or an Illinois Department of Revenue ruling as to the tax consequences of the conversion plan under the laws of Illinois;
- 18) furnish an opinion of applicant's certified public accountant regarding the appropriateness of the accounting treatment for the transaction and the conformity of such accounting treatment to generally accepted accounting principles, except where other accounting principles are imposed by the Federal financial institution regulatory agency that oversees the converting depository institution and states that those principles are utilized in the preparation of the statements prepared in accordance with the conversion plan;
- 19) provide a set of audited financial statements,

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including a balance sheet, statement of financial condition, and income and expense report, as of the fiscal year immediately preceding the date of adoption by the applicant's board of director of the plan of conversion;

- 20) provide the latest quarterly and monthly reports of condition that are required by the financial institution regulatory agency that oversees the converting depository institution;
 - 21) provide, if applicable, copies of all approvals and notices required by federal law in connection with the conversion; and
 - 22) provide minutes of the meeting of shareholders of the applicant institution authorizing the conversion, including notice to the shareholders, proxy material, and conversion plan as submitted to the shareholders, certified by the presiding officer or secretary of the meeting.
- b) If the converting depository institution is chartered pursuant to Federal law, the conversion plan shall, in addition to the requirements of subsection (a) above:
- 1) provide true copies of the last two (2) supervisory examination reports of all Federal financial institution regulatory agencies authorized to oversee the converting depository institution including all supervisory correspondence and responses to such correspondence;
 - 2) provide, for the period of the three (3) years preceding the adoption of the conversion plan by the board of directors, true copies of all supervisory orders issued by any Federal financial institution regulatory agency in connection with such agency's supervision of the converting depository institution;
 - 3) provide, for the period of the three (3) years preceding the adoption of the conversion plan by the board of directors, true copies of all supervisory agreements entered into by any Federal financial institution regulatory agency and the converting depository institution; and

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- 4) provide a true copy of the latest quarterly report of condition such as Thrift Financial Report or Quarterly Call Report filed with any Federal financial institution regulatory agency by the converting depository institution;
- 5) provide, for the period of the three (3) years preceding the adoption of the conversion plan by the board of directors, true copies of the annual Federal disclosures and all other reports, disclosures and correspondence filed with any Federal financial institution regulatory agency by the converting depository institution.

c) If, under Federal or State law, the converting depository institution is considered to be owned or controlled by a depository institution holding company, in addition to the applicable requirements of subsection (a) and (b) above, the conversion plan shall include:

- 1) the names and addresses of all holding company directors and officers, including all officers through the level of vice-president and all others with equivalent responsibility or power;
- 2) the names and addresses of all persons or entities that own, control, hold with power to vote, or hold proxies representing 10 percent or more of the voting shares of the holding company; and
- 3) the names and addresses of all affiliates and subsidiaries of the holding company.

d) The Commissioner may, upon request of the applicant, and where consistent with the protection of account holders and others, permit the omission of items herein required or the substitution of comparable items. The Commissioner may also require the inclusion of other items in addition to, or in substitution of, the items herein required in any case where such items are necessary or appropriate for an adequate presentation of the financial condition of any person or entity whose financial statements or reports are required, or whose statements or reports are otherwise necessary for the protection of account holders and others.

Section 1075.1425 Vote by Shareholders and Depositors EMERGENCY

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- a) The conversion plan and proposed Articles of Incorporation shall be submitted by the applicant to a vote of its eligible shareholders or eligible depositors, if any, to be conducted by ballot mailed to each eligible voter together with the ballot solicitation statement.
- b) The conversion plan shall not be submitted to eligible shareholders or eligible depositors until the plan is approved by the Commissioner.
- c) The voting record date for determining whether a shareholder or depositor is eligible to vote shall not be more than forty (40) days nor less than ten (10) days before the date such vote is taken.
- d) Notice of the vote to approve or reject a conversion plan, and to adopt revised Articles of Incorporation shall be given by the ballot solicitation statement. Such notice shall be given to each applicable voter, postage prepaid, not more than forty (40) days, nor less than ten (10) days, before the date such vote is to be taken.
- e) Each person holding one or more withdrawable accounts entitling the holder to voting rights, shall have the vote of one share for each \$100.00 of aggregate withdrawable value of the accounts and shall have the vote of one share for any fraction of \$100.00.
- f) Each holder of capital stock held shall have one vote for each share held.
- g) Shares owned by the applicant depository institution shall not be counted or voted.
- h) Approval of a conversion plan shall require an affirmative vote by a majority of the votes cast by the applicant's eligible voters.
- i) The converting depository institution must submit a certification by the presiding officer and/or secretary of the depository institution that the conversion plan and the revised Articles of Incorporation have been approved by the shareholders of the depository institution; together with the following information:

- 1) the total number of votes eligible to be cast;

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- 2) the total number of votes cast;
- 3) the total number of votes approving or rejecting the applicant's conversion plan and adopting the revised Articles of Incorporation;
- 4) the percentage of votes cast to approve such Plan of Conversion and adopt the revised Articles of Incorporation; and
- 5) the date on which the vote was held.

Section 1075.1430 Issuance of Certificate of Approval
EMERGENCY

The Commissioner, upon approving a conversion plan, shall issue a certificate of approval of the conversion plan which shall authorize the applicant to proceed with its conversion plan. The Commissioner may add such conditions to the certificate of approval as he or she considers necessary.

Section 1075.1435 Final Approval of the Conversion
EMERGENCY

- a) Upon a determination by the Commissioner that all applicable requirements of law have been met, including the surrender of the original charter, the Commissioner shall issue to the applicant a Certificate of Authority to Operate. The savings bank shall then file its amended charter and Articles of Incorporation as an Illinois savings bank with the County Recorder in the county in which the savings bank is headquartered.

- b) Upon such filing, the applicant shall be an Illinois savings bank under sole supervision of the Commissioner and of the Federal Deposit Insurance Corporation.

Section 1075.1440 Powers of Resulting Savings Bank
EMERGENCY

The resulting savings bank shall have all the rights, privileges, and powers granted by its amended charter and by the statutes applicable to savings banks holding such charters, and the entire assets, business, and goodwill of the converting depository institution shall be vested in the resulting savings bank without deed or transfer, provided such resulting savings bank may execute such deeds or instruments of conveyances as may be convenient to confirm such transfer, and such resulting savings bank shall assume

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and be liable for all debts, accounts, undertakings, contractual obligations, and liabilities of the converting depository institution.

Section 1075.1445 Obligations of Resulting Savings Bank
EMERGENCY

The resulting savings bank shall be subject to the duties, relations, obligations, trusts, and liabilities of the converting depository institution, whether as debtor, depository, registrar, transfer agent, executor, administrator, trustee, or otherwise, and shall be liable to pay and discharge all such debts and liabilities, to perform all such duties, and to administer all such trusts in the same manner and to the same extent as if such resulting savings bank had itself incurred the obligation or liability or assumed the duty, relation, or trust; and all rights of creditors and all liens upon the property of such resulting savings bank shall be entitled to receive, accept, collect, hold, and enjoy any and all gifts, bequests, devises, conveyances, trusts, and appointments in favor of or in the name of such converting depository institution, whether made or created to take effect before or after the conversion.

Section 1075.1450 Directors of Resulting Savings Bank
EMERGENCY

The persons named as directors in the amended Certificate of Incorporation shall be the directors of the resulting savings bank until the first election of directors thereafter, or until the expiration of their terms as directors, and shall have the power to take all necessary measures and to adopt regulations concerning the business and management of the resulting converted savings bank.

SUBPART L: SUPERVISION

Section 1075.1500 Sale of Offices, Facilities and Equipment
EMERGENCY

Offices and Facilities

- a) A savings bank contemplating sale of any office(s) or facilities to another financial institution (depository institution) must provide ninety (90) days notice to the Commissioner of its intent to do so. A copy of a signed letter of intent to purchase must be received by the Commissioner at least thirty (30) days before the closing date of the contemplated sale.

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- b) Notice to the Commissioner shall include:
- 1) address(es) of the facilities and offices to be sold;
 - 2) analyses of the accounts, loans and obligations of the facilities' and offices' business;
 - 3) a draft of notifications to be sent to all parties who would be affected by the sale, including depositors, creditors, account holders, and borrowers;
 - 4) notifications must detail names and addresses of the seller and buyer, what business will be transferred to the buyer, if anything shall remain with the seller, when business remaining with the seller will be administered;
 - 5) all final notifications under Section 1075.1500 of this Part must be registered mail, certified mail, or personally delivered. A time schedule for notifications must be included; and
 - 6) an analysis of the effect on the selling savings bank's financial condition, including discussion of any accounting issues, and pro forma financial statements for before and after the transaction. Specific discussion must be included about the manner of payment and deviation of pricing.

Section 1075.1510 Purchase of Offices
EMERGENCY

- a) A savings bank seeking to purchase an office or other facility to provide depository and credit services to the public at that site under its own name must apply to the Commissioner as though the site will be a de novo branch, under Subpart G of this Part.
- b) A savings bank seeking to purchase a facility or facilities from another financial institution must make application as required under Subpart G of this Part.

Section 1075.1520 Bridge Charters
EMERGENCY

- a) A savings bank may apply to the Commissioner for

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- authority to form a "bridge charter" to facilitate a corporate restructuring or voluntary change, only on condition that an additional savings bank is not created.
- b) The Commissioner may only authorize the formation of an interim savings bank charter under Section 1075.1520 of this Part. An applicant desiring another type of financial institution charter shall apply for same to the regulator appropriate to that charter.
- c) Each application shall specify the purpose of the interim charter, the required end result, the ownership size, capital business plan, management structure, and duration of the initial, interim and final savings bank.
- d) An applicant for an interim charter under Section 1075.1520 of this Part shall inform the Commissioner of any transaction contemplating use of an interim Charter at least ninety (90) days before the closing date of the transaction.
- e) Except to the extent established by the original savings bank, no interim charter may do retail business with the public; advertising; make purchases; pay salaries, bonuses, fees or obligate hire, or contract.
- f) An interim charter may exist for no more than three (3) days which may not be business days. On a normal business day, an interim charter may not be in existence for more than the time required to sign or otherwise finalize documents.

Section 1075.1530 Unsafe and Unsound Practices
EMERGENCY

If the Commissioner receives notice of failure to renew or of cancellation of the bond required by Section 4009(a) of The Act, or if such bond is determined, from examination or from reports made by the savings bank, to be inadequate when compared: (1) with the amounts of such bond carried by savings banks of comparable capital size, pursuing similar investment policies and similar management capabilities or (2) with amounts required by its federal insurer of accounts, he or she shall immediately pursue one of the remedies enumerated in subparagraph (d) below.

Section 1075.1540 Failure to Comply with Report of Examination
EMERGENCY

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If the Commissioner determines that a savings bank has failed to comply with recommendations made in or as the result of a report of examination within forty-five (45) days after the date the report is transmitted, then he may poll the savings bank's officers and board of directors personally concerning his recommendations, and, absent convincing or compelling changes of information, market conditions or financial condition of the savings bank, he shall summarily issue a temporary suspension in writing to officers and directors who refused or prevented taking the recommended steps. Such suspension shall bar the specified individual until the Order is modified or vacated by the Commissioner.

Section 1075.1550 Publication
EMERGENCY

- a) Publication shall be made once in a general or legal newspaper of the largest general circulation in:
 - 1) the county of the savings bank's headquarters; or
 - 2) in Sangamon County; or
 - 3) in Cook County.

b) The notice shall:

- 1) cite Section 9005 of The Act;
- 2) provide the names of the savings bank, its officers and its board of directors; and
- 3) quote the particular directive, summarizing any explanatory material of more than 25 words.

SUBPART M: REMOVALS, SUSPENSIONS AND INDUSTRY-WIDE PROHIBITION**Section 1075.1600 Scope**
EMERGENCY

The Commissioner, in accordance with The Act and these rules, may remove or suspend any officer, director, employee or agent of a savings bank operating under The Act or prohibit an individual from further participation in any manner in the affairs at any savings bank operating under The Act.

Section 1075.1610 Notice of Intention and Answer
EMERGENCY

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- a) Subject to Section 1075.1630 of this Part, proceedings to remove or suspend an officer, director, employee or agent of a savings bank operating under The Act or to prohibit an individual from further participation in any manner in the affairs of any savings bank operating and regulated under The Act shall commence upon service of Notice of Intention to Remove, Suspend or Prohibit.

b) The notice shall:

- 1) state the grounds for the action;
- 2) recite the statutory basis for the action;
- 3) be signed by the Commissioner;
- 4) be with a notice of hearing on the matter that sets a hearing date within thirty (30) days of service of the notice of intention and names a hearing officer who shall conduct the hearing; and
- 5) include a copy of the Commissioner's rules pertaining to hearings.

c) Hearing shall be pursuant to these rules.

Section 1075.1620 Removal and Prohibition by Order
EMERGENCY

In the event of consent, or, if upon the record submitted by the presiding hearing officer pursuant to these rules, and subject to Section 1075.1630 of this Part, the Commissioner finds that any of the charges have been established, the Commissioner may issue an Order of removal or suspension from office or of prohibition from participation in any manner in the affairs of a savings bank operating under The Act. Such an Order is effective upon service (except in the case of an Order issued upon consent, which is effective at the time specified therein) and shall remain effective and enforceable unless stayed, modified, terminated or set aside by action of the Commissioner or a reviewing court.

Section 1075.1630 Suspension by Notice
EMERGENCY

- a) Upon determination that such action is necessary for the protection of a savings bank operating under The Act or for depositors and in accordance with The Act and these rules, the Commissioner may by notice suspend an officer,

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director, employee or agent of a savings bank operating under The Act and suspend an individual from participation in any manner in the affairs of any savings bank operating under The Act.

- b) A suspension Order by the Commissioner issued pursuant to Section 1075.1630 of this Part shall be in effect and enforceable upon service and, unless stayed by a reviewing court, shall remain in effect until the charges are dismissed and the administrative proceedings are completed, or until the effective date of any final Order of removal, suspension or prohibition that is issued by the Commissioner.

- c) A suspension Order by the Commissioner issued pursuant to Section 1075.1630 of this Part shall:

- 1) contain findings of fact sufficient to support imposition of a suspension by notice;
- 2) recite the statutory basis for the Order;

- 3) appoint a hearing officer;

- 4) impose an immediate suspension of participation in any manner in the affairs of any savings bank operating under The Act;

- 5) be signed by the Commissioner or by a person authorized to act in her or his stead; and

- 6) be with a notice of suspension that:

- A) sets a hearing date within thirty (30) days of the date on which the Order takes effect;

- B) names the hearing officer who shall conduct the hearing; and

- C) includes a copy of the Commissioner's rules pertaining to hearings.

- d) Subject to Subpart M of this Part, hearing shall be pursuant to Subpart I of this Part.

Section 1075.1640 Industrywide Prohibition
EMERGENCY

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- a) Any person subject to an Order of removal or suspension or prohibited from participation in any manner in the affairs of a savings bank operating under The Act upon an Order of the Commissioner, without hearing on the matter, shall be prohibited from participation in any manner in the conduct of affairs of a savings bank regulated by the State of Illinois, another insured depository institution regulated by the State of Illinois, or any other financial services entity regulated by the State of Illinois.

- b) An Order for industrywide prohibition shall:

- 1) state the grounds for the industrywide prohibition;
- 2) recite the statutory basis for the action;
- 3) include the Order of removal, suspension or prohibition to which the party is subject; and
- 4) be signed by the Commissioner.

- c) Notwithstanding subsection (a) above, a prohibition from participation shall cease to apply to the party, but only to the extent that consent is granted, if, on or after the date an Order is issued under Section 1075.1640, a party receives the written consent of:

- 1) the Commissioner; and
- 2) all other regulatory bodies of the insured depository institution or financial services entity to which the party proposes to participate in the conduct of affairs.

- d) Request for consent of the Commissioner shall be made in writing to the Commissioner. The decision of the Commissioner is not reviewable. The request shall include:

- 1) a written statement of the consent that is requested;
- 2) a written statement of the proposed participation in the conduct of affairs of an insured depository institution financial or financial services entity; and

NOTICE OF EMERGENCY RULES

- 3) a written statement, supported by all relevant documentation, of the reasons why the party believes consent should be granted.

Section 1075.1650 Unauthorized Participation of Convicted Individual
EMERGENCY

- a) Upon a finding by the Commissioner, without hearing on the matter, that a current or proposed officer, director, agent or employee of a savings bank operating under The Act has been convicted of any criminal offense involving dishonesty or a breach of trust, the Commissioner shall Order that such person shall not participate in any manner, at the conduct of affairs at a savings bank operating under The Act.
- b) The Order of the Commissioner shall:
- 1) state the grounds for the Order;
 - 2) recite the statutory basis for the Order;
 - 3) include true copy of the final judgment of the conviction of the individual; and
 - 4) be signed by the Commissioner.
- c) Notwithstanding subsection (a) above, the Commissioner, upon prior request, may grant written consent to participate in a savings bank operated under The Act. A request must be made in writing to the Commissioner. The decision of the Commissioner is not reviewable.
- d) Request for consent of the Commissioner shall be made in writing to the Commissioner. The request shall include:
- 1) a written statement of the consent that is requested;
 - 2) a written statement of proposed participation in the conduct of affairs of an insured depository institution or financial services entity; and
 - 3) a written statement, supported by all relevant documentation, of the reasons why the party believes consent shall be granted.

NOTICE OF PEREMPTORY AMENDMENTS

- 1) The Heading of the Part: FOOD STAMPS
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Adopted Action:
- | | |
|--------|-----------|
| 121.60 | Amendment |
| 121.61 | Amendment |
| 121.63 | Amendment |
| 121.64 | Amendment |
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: In a letter dated August 3, 1990, the Food and Nutrition Service of the United States Department of Agriculture notified the Department of Public Aid ("Department") of required changes in the income eligibility standards, required standard deductions and the shelter care deductions for the Food Stamp Program, effective October 1, 1990. These changes are required by 7 CFR 273.9(a)(4), (d)(1) and (d)(5).
- This rulemaking implements the above-referenced changes. These changes are mandated by the federal government and preclude the exercise of discretion by the Department. Consequently, the Department finds it necessary to implement these changes pursuant to the peremptory rulemaking process.
- 5) Statutory Authority: Sections 12-4.4 thru 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 12-4.4 thru 12-4.6 and 12-13)
- 6) Effective Date: October 1, 1990
- 7) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the net monthly income eligibility standards, the gross monthly income eligibility standards, the standard deductions and the shelter care deductions for the Food Stamp programs. These adjustments, which are effective October 1, 1990, take into account changes in the cost of living.
- 8) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 9) Date Filed in Agency's Principal Office: October 1, 1990
- 10) These Amendments are in compliance with Section 5.03 of the Illinois Administrative Procedure Act. Yes

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

TITLE 89: SOCIAL SERVICES

June 15, 1990
(14 Ill. Reg. 9317)

June 15, 1990
(14 Ill. Reg. 9317)

12) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

13) Information and questions regarding these Peremptory Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Flr.
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Peremptory Amendments begin on the next page:

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Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 12-4.4 through 12-4.6 and 12-3)

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875 effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399 effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p.

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36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1; effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980 for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19590, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective

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October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 31, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 121.60

Net Monthly Income Eligibility Standards

Subpart D: Eligibility Standards

a) Eligible households whose net monthly income does not exceed the maximum monthly income standards shall be assigned a coupon allotment based on the net monthly food stamp income.

b) The maximum net monthly income standards are:

Household Size	Amount
1.	\$ 499
2.	669
3.	839
4.	1,009
5.	1,179
6.	1,349
7.	1,519
8.	1,689
Each additional member	+ 170

Derived from Office of Management and Budget non-farm, income poverty guidelines.

(Source: Peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990)

Section 121.61 Gross Monthly Income Eligibility Standards

a) Gross Monthly Income Eligibility Standards

1) The gross income standards of eligibility shall be 130 percent of the nonfarm income poverty guidelines prescribed by the Office of Management and Budget (see 7 CFR 273.9(a)(1)(1986)). However, categorically eligible households and households containing a member who is elderly, blind or disabled will be exempt from this gross income check (see also 7 CFR 273.9(c) (1986)). To qualify for increased benefits a household must contain a member who meets one (1) of the following requirements:

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

Section 121.61

Gross Monthly Income Eligibility Standards (Cont'd)

- A) A member is 60 years of age or older. An individual is considered age 60 in the fiscal month he/she becomes 60.
- B) A member receives Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, (this includes the household where the member is receiving SSI income pending a final decision from the Social Security Administration. This SSI income is being provided on a temporary or emergency basis), or
- C) A member receives Social Security disability or blindness benefits under Title II (RSDI) of the Social Security Act.
- D) A member receives State Supplemental Payment (SSP) due to blindness or disability. This does not include cases in PE status pending a determination of blindness or disability.
- E) A veteran with a service connected disability rated or paid as totally disabled by the Veterans Administration (VA).
- F) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound.
- G) A veteran's surviving spouse who is considered in need of aid and attendance or considered permanently housebound by the Veterans Administration or a veteran's surviving child who is considered permanently incapable of self-support by the Veterans Administration.
- H) A veteran's surviving spouse or child entitled to compensation for a service connected death or pension benefits for a non-service connected death from the Veterans Administration if the spouse or child also has a disability considered permanent under Social Security requirements.

NOTICE OF PEREMPTORY AMENDMENTS

Section 121.61 Gross Monthly Income Eligibility Standards
(Cont'd)

- I) A member receives federal, state, or local government disability pension and is considered permanently disabled under Social Security requirements.
- J) A member receives Railroad Retirement disability benefits.
- K) A member receives an annuity payment from Railroad Retirement and is eligible for Medicare.
- L) A member receives disability-related medical assistance benefits (Categories 92 and 93) under Title XIX (Medicaid) of the Social Security Act.

- 2) For those veterans, surviving spouses, or children mentioned in subsections (F) and (G) above, proof of receipt of VA disability benefits is sufficient verification of disability. For those veterans mentioned in subsection (E) above, a verified statement in writing from the VA that the individual is totally disabled must be provided. To verify disability for those individuals mentioned in subsection (H) above, the individual must provide a statement from the Social Security Administration or from a physician of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400 - 1 et seq.), or a licensed or certified psychologist under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.) that the individual suffers from one of the disabilities listed in the preamble to Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) or if the disability is obvious, by observation of the caseworker (e.g., permanent loss of use of both hands).

b) Household Size	Gross Income
One Person	\$ 648 681
Two Persons	869 913
Three Persons	1,090 1,144

NOTICE OF PEREMPTORY AMENDMENTS

Section 121.61 Gross Monthly Income Eligibility Standards
(Cont'd)

Four Persons	1,311 1,376
Five Persons	1,532 1,608
Six Persons	1,753 1,840
Seven Persons	1,974 2,072
Eight Persons	2,195 2,304
Nine Persons	2,416 2,536
Ten Persons	2,637 2,768
Each Additional Member	+ 221 232

(Source: Peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990)

Section 121.63 Deductions From Monthly Income

The following deductions shall be allowed in the determination of the adjusted net monthly food stamp income:

- a) Earned income Deduction
- Eighty percent of total gross earned income is considered. (See 89 Ill. Adm. Code 121.40 through 121.54 for a description of earned income.)
- b) Standard Deduction
- One hundred and twelve-sixteen dollars ~~(\$112.00)~~ (\$116.00) per household per month.
- c) Dependent Care Deduction
- 1) Payments for the care of a child or other dependent when necessary for a household member to accept or continue employment or to seek employment in compliance with the job search criteria (contained in 89 Ill. Adm. Code 112.70 through 112.73) or to attend training or pursue education which is preparatory for employment.
- 2) The amount of the deduction is to be determined by the actual costs for care and is not to exceed \$160.00 per month for each dependent household member.
- d) Shelter Costs Deduction

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

Section 121.63 Deductions From Monthly Income (Cont'd)

- 1) Shelter costs that exceed 50% of the household's total income after the allowable deductions in subsections (a), (b), and (c) have been made. The shelter deduction shall not exceed \$177.00-\$186.00.
- 2) If the household contains a member who is elderly or disabled as defined at 7 CFR 271.2 (1987) and Section 121.61 "Gross Monthly Income Eligibility Standards", there is no limit on the amount of excess shelter deduction.
- 3) Shelter costs include only the following:
 - A) Continuing charges for the shelter occupied by the household (rent, mortgage, and other charges leading to the ownership of the shelter, including interest on such charges).
 - B) Property taxes, State and local assessments and insurance on the structure itself.
 - C) Utility Costs
 - i) Include the cost of heating, and cooking fuel, air conditioning, electricity, water, sewerage, garbage and trash collection fees; basic service fee for one telephone (including tax on the basic fee) of \$14.00; and fees charged by the utility provider for initial installation. Utility deposits are not utility costs.
 - ii) Those households which are billed for heating or air conditioning, or both, separately from their rent or mortgage may claim the standard utility allowance of \$165. Households living in rental housing who are billed on a regular basis by a landlord for heating and/or air conditioning costs may use the standard utility allowance if the utility usage is determined through a meter or otherwise is verifiable or if

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

Section 121.63 Deductions From Monthly Income (Cont'd)

- the charge for heating and/or air conditioning is separate and identifiable. If the standard utility allowance is used, then no other utility costs may be claimed. If actual utility costs exceed the standard utility allowance, then actual, verified costs may be claimed, except that if a separately-billed phone expense is claimed only the basic telephone allowance of \$14.00 per month is allowed. The client that maintains the same residence may not switch between the standard utility allowance and actual utility costs for a period of twelve months from the time of initial certification and no more frequently than once every twelve (12) months thereafter.
- iii) However, during the heating or cooling season, a household that is billed less often than monthly for its heating and/or air conditioning costs but is otherwise eligible to use the standard utility allowance may continue to use the standard utility allowance between billing months.
- iv) Households in public housing or privately owned rental units which receive a bill for over-usage are not entitled to use the standard utility allowance. When households (as defined at 7 CFR 273.1(a)(1987) live together, the standard utility allowance shall be divided equally among the households which contribute toward the utility costs whether or not each household participates in the program.
- v) Households whose heat and/or air conditioning expense is covered by indirect energy assistance payments (Illinois Home Energy Assistance Program [47 Ill. Adm. Code 100]) shall

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

Section 121.63 Deductions From Monthly Income (Cont'd)

be entitled to the standard utility allowance (7 CFR 273.9 and 273.10(d)(6) [1987]). The provisions of subsection (ii) above, are applicable to households whose heating and/or air conditioning expense(s) are covered by indirect energy assistance payments.

D) Those households which are not billed separately for either heat or air conditioning are not entitled to claim the standard utility allowance but may claim the actual utility amounts for which they are billed separately, subject to the \$14.00 per month limitation for telephone expense.

4) Shelter Costs for a home temporarily unoccupied by the household because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss, if the household intends to return to the home, the current occupants of the home, if any, are not claiming the shelter costs for food stamp purposes; and the home is not leased or rented during the absence of the household.

5) Charges for Repair of the home which was damaged or destroyed due to a natural disaster. Shelter costs shall not include repair charges which have been or will be reimbursed by private or public relief agencies, insurance companies or any other source.

e) Excess Medical Deductions

A deduction for excess medical expenses for households which contain an elderly or disabled member as defined at 7 CFR 271.2 (1987) and Section 121.6 "Gross Monthly Income Eligibility Standards". The medical expenses incurred by the qualifying household member which are over \$35 will be deducted if the expenses will not be reimbursed by insurance or a third party.

(Source: Peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990)

DEPARTMENT OF PUBLIC AID

NOTICE OF PEREMPTORY AMENDMENTS

Section 121.64 Coupon Allotment

a) The monthly coupon allotment amount is determined by subtracting 30% of the adjusted net monthly income from the maximum monthly allotment

b) MAXIMUM MONTHLY ALLOTMENT:

Household Size

1.	\$ 99	105
2.	\$182	193
3.	\$260	277
4.	\$331	352
5.	\$393	418
6.	\$472	502
7.	\$521	555
8.	\$596	634
Each Add'l Member	+ \$ 75	79

c) All one and two person households will receive a minimum monthly allotment of \$10.00

(Source: Peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990)

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIESDEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Family Assistance and Home-Based Support Services Programs for Persons with Mental Disabilities
- 2) Code Citation: 59 Ill. Adm. Code 117
- 3) Register Citation to Notice of Proposed Rules: 14 Ill. Reg. 14671; September 14, 1990
- 4) Date, Time and Location of Public Hearing:
October 15, 1990
9:30 a.m.
Room C-1
William Stratton Building
401 South Spring Street
Springfield, Illinois 62765
- 5) Other Pertinent Information:

This hearing is being held to assist in clarifying and resolving any issues that may arise during the first notice period. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearing:

1. Each person presenting oral testimony is encouraged to provide the hearing officer with a typed copy of such testimony at the time the testimony is presented.
2. Persons presenting testimony will be limited to 20 minutes for the presentation.
3. No person will be recognized to speak for a second time until all persons wishing to testify have been done so. All testimony shall conclude at the specific times except that an individual in the midst of presenting testimony shall be allowed to complete the testimony.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as deemed necessary.

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

5. Those persons who wish to testify should notify the following person of their intention to do so by November 22:

Karl Menninger, II
Chief, Bureau of Rules, Policies & Regulatory Review
Department of Mental Health and Developmental Disabilities
402 Stratton Building
Springfield, Illinois 62765
217/782-0054

6. Those persons wishing to submit written comments only should send them to:

Joseph Buckles
Rules Administrator
Department of Mental Health and Developmental Disabilities
402 Stratton Building
Springfield, Illinois 62765
217/785-3313

7. These rules are concurrently being adopted on an emergency basis. Since emergency rules are valid for a period of no longer than 150 days, these rules are also being proposed in the usual manner. The emergency rules appear on page 14987 of this issue of the Illinois Register.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 27, 1990, through August 31, 1990, and have been scheduled for review by the Committee at its October 11, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its October meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
10/15/90	Department of Central Management Services, State of Illinois Medical Care Assistance Plan (80 Ill. Adm. Code 2120)	7/6/90 14 Ill. Reg. 10603	October 11, 1990
10/15/90	Department of Conservation, The Forest Products Transportation Act (17 Ill. Adm. Code 1530)	7/13/90 11047	October 11, 1990 14 Ill. Reg.
10/15/90	Department of Conservation, Possession of Specimens or Products of Endangered and Threatened Species (17 Ill. Adm. Code 1070)	7/13/90 14 Ill. Reg. 11052	October 11, 1990
10/15/90	Department of Commerce and Community Affairs, Local Tourism and Convention Bureau Program (14 Ill. Adm. Code 550)	4/13/90 14 Ill. Reg. 5294	October 11, 1990
10/15/90	Secretary of State, Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	6/1/90 14 Ill. Reg. 8575	October 11, 1990

ILLINOIS REGISTER

EXECUTIVE ORDER
90-4

IRAQ - ILLINOIS NATIONAL GUARD AND RESERVES

Whereas, the United States is fighting the aggression of Iraq in the Persian Gulf, and the President is calling members of the Reserves to serve our country in this great effort;

Whereas, State of Illinois employees already have been called and others may be called to serve in active military duty in connection with the Persian Gulf crisis;

Whereas, no State employee should lose compensation or benefits because of their military service in this crisis;

I hereby order that any full-time employee of the State of Illinois under my control, who is a member of any reserve component of the United States Armed Forces, including the Illinois National Guard, who is mobilized to active military duty in connection with the Persian Gulf crisis, shall continue to receive his regular compensation as a State employee, plus any health insurance and other benefits he is currently receiving, minus the amount of his base pay for military activities.

I further order the Department of Central Management Services to immediately commence negotiations with the appropriate collective bargaining representatives on terms and conditions consistent with this order. CMS also shall coordinate with all other State and federal agencies and take all other actions necessary to implement this order.

This order shall take effect immediately.

Issued by the Governor August 31, 1990.

Filed with the Secretary of State August 31, 1990.

PROCLAMATION

90-404

DISASTER AREA - WILL COUNTY

A series of tornados and associated severe thunderstorms and damaging winds struck Northeastern Illinois on the evening of August 28, creating loss of life and personal injuries, serious public service disruptions and extensive damages to real and personal property.

In the interest of aiding those citizens who have suffered losses and to minimize any further impact on public health, safety and welfare of our citizens, I hereby declare the County of Will to be a State of Illinois Disaster Area, pursuant to the provisions of Section 7(a) of the "Illinois Emergency Services and Disaster Agency Act of 1988" (Ill. Rev. Stat., 1989, ch. 127, par. 1051 et seq.).

This gubernatorial declaration of disaster will aid the Illinois Emergency Services and Disaster Agency in coordinating other State agency resources in the disaster recovery operations; provide for the reassessment of real and personal property substantially damaged by the storms; and make possible any requests for federal disaster assistance.

Issued by the Governor August 29, 1990.

Filed with the Secretary of State August 29, 1990.

90-405

DISASTER AREAS - SEVERAL COUNTIES

A series of tornados and associated severe thunderstorms and damaging winds struck Northeastern Illinois on the evening of August 28, creating loss of life and personal injuries, serious public service disruptions and extensive damages to real and personal property.

In the interest of aiding those citizens who have suffered losses and to minimize any further impact on public health, safety and welfare of our citizens, I hereby declare Kendall and Kane Counties to be State of Illinois Disaster Areas, pursuant to the provisions of Section 7(a) of the "Illinois Emergency Services and Disaster Agency Act of 1988" (Ill. Rev. Stat., 1989, ch. 127, par. 1051 et seq.).

This gubernatorial declaration of disaster will aid the Illinois Emergency Services and Disaster Agency in coordinating other State agency resources in the disaster recovery operations; provide for the reassessment of real and personal property substantially damaged by the storms; and make possible any requests for federal disaster assistance.

Issued by the Governor August 31, 1990.

Filed with the Secretary of State August 31, 1990.

90-378

AUTOMOTIVE PARTS & ACCESSORIES ASSOCIATION WEEK
(Revised)

Whereas, the Automotive Parts & Accessories Association (APAA) has returned to Illinois, its birthplace, to celebrate the show's 22nd anniversary; and

Whereas, APAA has designated Illinois as the permanent home of the nation's largest automotive trade show, bringing more than \$20 million into the state each year; and

Whereas, the APAA Show will draw 28,000 visitors to Illinois from around the world; and

Whereas, the state's 6.7 million motorists and their six million automobiles are major contributors to the automotive parts and accessories aftermarket, creating a multi-billion dollar market; and

Whereas, the suppliers of automotive products, accessories and services provide hundreds of thousands of jobs to the residents of Illinois;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 21-27, 1990, as AUTOMOTIVE PARTS & ACCESSORIES ASSOCIATION WEEK in Illinois.

Issued by the Governor August 27, 1990.

Filed with the Secretary of State September 4, 1990.

90-406

FALL IS FOR PLANTING MONTH

Whereas, trees and shrubs planted in the fall have a chance to establish a better root system through the cooler months, resulting in a healthier plant in the spring; and

Whereas, trees can reduce the erosion of our precious topsoil, cut heating and cooling costs, cleanse the air of carbon dioxide and other pollutants, produce oxygen, and provide habitat for wildlife; and

Whereas, trees are a renewable resource that provide us with paper, wood, fuel and countless other wood products; and

Whereas, trees in our state increase property values and beautify our communities; and

Whereas, the Illinois Nurserymen's Association encourages fall planting and offers assistance and knowledge to citizens and organizations who seek to beautify the environment through landscaping;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 1990 as FALL IS FOR PLANTING MONTH in Illinois and encourage Illinoisans to plant trees, shrubs, and bulbs this fall for the benefit of present and future generations.

Issued by the Governor August 27, 1990.

Filed with the Secretary of State September 4, 1990.

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90-407
HEAD INJURY AWARENESS MONTH

Whereas, each year more than 70,000 people, usually between the ages of 14 and 24, sustain serious head injuries that physically disable and intellectually impair them for the rest of their lives; and

Whereas, the National Head Injury Foundation was established in 1980 and exists today as a strong advocate for people with head injuries, their families, and their doctors. The foundation continues to grow with 32 chartered state associations and 22 local support groups in Illinois; and

Whereas, the Illinois Head Injury Association was established in 1983 and strives to increase public awareness, promote advocacy, develop support systems, encourage appropriate rehabilitation programs and services, and distribute current information and research data on head injuries; and

Whereas, the combined efforts of the Illinois Head Injury Association and other safety groups to encourage the prevention of head injuries by wearing seat belts or using air bags culminated in the Seat Belt Law of 1985 and the Registry Bill for Head and Spinal Cord Injury of 1989;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 1990 as HEAD INJURY AWARENESS MONTH in Illinois in recognition of the foundation's efforts to educate our citizens.

Issued by the Governor August 27, 1990.

Filed with the Secretary of State September 4, 1990.

90-408
RADIOLOGIC TECHNOLOGY WEEK

Whereas, expanding health services and advancing knowledge are creating an ever-increasing demand for the services of qualified radiologic technologists; and

Whereas, radiologic technologists are concerned with the conservation of life and health and the prevention of disease; and

Whereas, radiologic technology offers skilled and capable individuals an opportunity for leadership in the development of health programs and the personal satisfaction that comes from helping others; and

Whereas, the Illinois State Society of Radiologic Technologists is holding its 55th annual state conference September 9-15;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 9-15, 1990, as RADIOLOGIC TECHNOLOGY WEEK in Illinois.

Issued by the Governor August 27, 1990.

Filed with the Secretary of State September 4, 1990.

JCAR - Joint Committee on Administrative Rules **ACTION CODES**

- A - Adopted Rule
AR - Adopted Repealer
C - Notice of Corrections
CC - Codification Changes
E - Emergency Rule
ER - Emergency Repealer
M - Modification to meet JCAR objections
O - JCAR Statement of Objections
- P - Proposed Rule
PF - Prohibited Filing Ordered by JCAR
PP - Peremptory or Court ordered Rules
PR - Proposed Repealer
R - Refusal to meet JCAR objection
RC - Statement of Recommendation
S - Suspension ordered by JCAR
W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 PART ACTION CODE ACTION CODE PAGE NUMBER ACTION CODE PAGE NUMBER

III. Grain Insurance Act (P-18048/85; A-6818)

TITLE PREVIOUS VOLUME

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-2786.

AGING, DEPARTMENT ON

- 89 Ill. Adm. Code 240 Community Care Program (P-1077; A-10732; RC-12942) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
- 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

AGRICULTURE, DEPARTMENT OF

- 8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15911/89; A-1907) (P-16861/89; A-3416) (P-8759)
- 8 Ill. Adm. Code 75 Bovine Brucellosis (P-15915/89; A-1911)
- 8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919) (P-8768)
- 8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)
- 8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-15942/89; A-1935) (P-19329/89; A-5065) (P-3773)
- 8 Ill. Adm. Code 270 III. State Fair & DuQuoin State Fair, Non-Fair Space Rental & the General Operation of the State Fairgrounds (P-10965)
- 8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)
- 8 Ill. Adm. Code 45 Marketing Center (Livestock) (P-15956/89; A-1949)
- 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (P-16625/89; A-3424) (PP-4953) (PP-11401) (PP-13355)
- 8 Ill. Adm. Code 850 Motor Fuel Standards Act (P-19837/89; A-5072)
- 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584) (A-4093) (A-9009)
- 8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3711; A-10308)
- 8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)
- 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15968/89; A-1961) (P-8777)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

- 77 Ill. Adm. Code 2058 Licensure of Alcoholism & Substance Abuse Treatment Intervention & Research Programs (P-6457)

ATTORNEY GENERAL

- 86 Ill. Adm. Code 2000 Ill. Estate & Generation - Skipping Transfer Tax Act (P-4281)

AUDITOR GENERAL

- 74 Ill. Adm. Code 420 Code of Regulations (P-1541)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

- 38 Ill. Adm. Code 395 Corporate Fiduciary Branch Offices (P-2981)
- 38 Ill. Adm. Code 396 Corporate Fiduciary Subsidiaries (P-2985)
- 38 Ill. Adm. Code 356 Reimbursement to Banks & Corporate Fiduciaries for Financial Records (P-3303; A-11183)
- 38 Ill. Adm. Code 356 Reimbursement to Banks for Financial Records (P-3303)

CARNIVAL-AMUSEMENT SAFETY BOARD

- 56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-2989) (E-3235; O-5905)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 80 Ill. Adm. Code 303 Conditions of Employment (P-17169/89; A-3433)
- 80 Ill. Adm. Code 2160 Local Government Health Plan (P-4288; A-14343)
- 80 Ill. Adm. Code 5010 Marking, Inventory, Transfer & Disposal of State-Owned Personal Property (P-8271) (E-8714; O-13033)

- 80 Ill. Adm. Code 310 Pay Plan (P-427; A-10002) (P-15141/89; A-615) (PP-1627) (P-17521/89; A-4455) (P-5269; A-14361) (PP-7652) (P-7675) (P-10189; W-12321) (E-11330) (P-14657)
- 44 Ill. Adm. Code 5030 Personal Use of State Telephones (P-10983) (E-11351)
- 80 Ill. Adm. Code 2120 State of Ill. Medical Care Assistance Plan (P-10603)
- 80 Ill. Adm. Code 3000 Travel Regulation Council, The (P-1548; A-10014)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Dept. (P-4303)
- 89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439; O-8206; R-9622; A-9407) (E-999)

- 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684) (E-11356) (P-11423)

- 89 Ill. Adm. Code 337 Service Appeal Process (P-9275)

- 89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1) (P-2205) (P-14508/89; A-3438)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)
- 56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-13045)

- 14 Ill. Adm. Code 520 Enterprise Zone Program (P-15975/89; A-3445) (P-13060)

- 14 Ill. Adm. Code 590 Ill. Large Business Development Program (P-7291)

- 14 Ill. Adm. Code 510 Ill. Promotion Act (P-13072) (E-13298)

- 14 Ill. Adm. Code 610 Ill. Public Infrastructure Loan & Grant Program (P-7300)

- 56 Ill. Adm. Code 2650 Industrial Training Program (P-15977/89; A-5075)

- 14 Ill. Adm. Code 550 Local Tourism & Convention Bureau Program (P-17567/89; A-5091) (P-5294; E-5565; O-10159; R-12686) (P-8782)

- 47 Ill. Adm. Code 100 Residential Energy Assistance Partnership Program (P-17589/89; A-13440)

- 14 Ill. Adm. Code 640 Rural Diversification Program (P-13391)

- 47 Ill. Adm. Code 110 State Administration for the Federal Community Development Block Grant Program for Small Cities (P-10985)

- 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-5296; A-13970)

- 14 Ill. Adm. Code 545 Technology Advancement & Development Act Program (P-19336/89; A-9016)

- 14 Ill. Adm. Code 540 Technology Commercialization Grant-In-Aid Program (P-11022)

- 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-5017/89; A-1976) (P-13074)

ILLINOIS REGISTER

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COMMERCE COMMISSION, ILLINOIS

92 Ill. Adm. Code 1207 Agents for Service of Process (P-15150/89; A-3033)
 92 Ill. Adm. Code 1307 Carrier Identification (P-15154/89; A-13138)
 83 Ill. Adm. Code 760 Cellular Radio Exclusion (P-13358/89; A-3037) (P-9631)
 83 Ill. Adm. Code 281 Energy Assistance (PR-4312; AR-11188)
 92 Ill. Adm. Code 1415 Freight Buis & Bills of Lading or Other Forms (P-19339/89; A-8583)
 83 Ill. Adm. Code 900 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)
 92 Ill. Adm. Code 1300 Minimum Rate (PR-14147/89; AR-3040)
 83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas & for Gas Pipeline Facilities (P-19344/89; A-10018)
 83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)
 92 Ill. Adm. Code 1710 Relocation Towing (P-2721; A-10310)
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PROCLAMATIONS (CONT'D)

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15179

The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking activity occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/89; A-724) The codes for both columns are listed below. For a complete listing of the Titles of the *Illinois Administrative Code*, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= recodified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

TITLE 20 (CONT'D)			TITLE 20 (CONT'D)		
525.230	am	(P-12345)	25.717	n	(P-3331)
525.230	am	(P-18040/89; A-6765)	25.730	am	(P-3331)
535.10	am	(P-18040/89; A-6765)	25.732	n	(P-3331)
535.12	n	(P-18040/89; A-6765)	25.750	am	(P-3331)
535.15	n	(P-18040/89; A-6765)	25.755	am	(P-3331)
535.17	n	(P-18040/89; A-6765)	25.780	am	(P-3331)
535.20	am	(P-18040/89; A-6765)	50.10	am	(P-18979/89; A-7503)
535.30	am	(P-18040/89; A-6765)	50.20	am	(P-18979/89; A-7503)
535.40	am	(P-18040/89; A-6765)	50.40	am	(P-18979/89; A-7503)
535.50	am	(P-18040/89; A-6765)	50.50	am	(P-18979/89; A-7503)
535.60	am	(P-18040/89; A-6765)	50.55	n	(P-18979/89; A-7503)
535.70	am	(P-18040/89; A-6765)	50.60	am	(P-18979/89; A-7503)
535.80	am	(P-18040/89; A-6765)	50.70	am	(P-18979/89; A-7503)
535.90	am	(P-18040/89; A-6765)	110.20	am	(P-8319)
535.100	am	(P-18040/89; A-6765)	110.25	am	(P-8319)
535.110	am	(P-18040/89; A-6765)	110.90	am	(P-8319)
535.120	am	(P-18040/89; A-6765)	110.110	am	(P-8319)
535.130	am	(P-18040/89; A-6765)	110.Tb.A	am	(P-8319)
535.140	n	(P-18040/89; A-6765)	110.Tb.B	am	(P-8319)
701.70	am	(P-9684)	110.Tb.C	am	(P-8319)
701.270	am	(P-9684)	110.Tb.D	am	(P-8319)
720.150	am	(P-9694)	202.10	n	(P-13369/89; A-3472)
1215.10	n	(P-12398)	202.10	n	(P-13367/89; A-3487)
1215.20	n	(P-12398)	202.20	n	(P-13369/89; A-3472)
1215.30	n	(P-12398)	202.20	n	(P-13367/89; A-3487)
1215.40	n	(P-12398)	202.30	n	(P-13369/89; A-3472)
1215.50	n	(P-12398)	202.40	n	(P-13367/89; A-3487)
1560.10	n	(P-8800)	202.40	n	(P-13367/89; A-3487)
1560.20	n	(P-8800)	202.50	n	(P-13369/89; A-3472)
1560.30	n	(P-8800)	202.50	n	(P-13367/89; A-3487)
1560.40	n	(P-8800)	202.60	n	(P-13369/89; A-3472)
1560.50	n	(P-8800)	202.60	n	(P-13367/89; A-3487)
1720.20	am	(P-5378; A-14800)	202.70	n	(P-13367/89; A-3487)
1720.25	am	(P-5378; A-14800)	205.30	n	(P-18991/89; A-10320)
1760.101	n	(P-13997/89; A-10027)	205.40	am	(P-18991/89; O-3899;
1760.102	n	(P-13997/89; A-10027)	205.40	am	R-10593; A-10320)
1760.103	n	(P-13997/89; A-10027)	205.50	am	(P-18991/89; A-10320)
1760.104	n	(P-13997/89; A-10027)	205.55	am	(P-18991/89; A-10320)
1760.201	n	(P-13997/89; A-10027)	205.70	am	(P-18991/89; A-10320)
1760.202	n	(P-13997/89; A-10027)	205.80	am	(P-18991/89; A-10320)
1760.203	n	(P-13997/89; A-10027)	210.10	am	(P-8766/89; A-1254)
1760.204	n	(P-13997/89; A-10027)	210.100	am	(P-8766/89; O-18943/89;
1760.205	n	(P-13997/89; A-10027)	210.110	am	R-1534; A-1254)
1760.206	n	(P-13997/89; A-10027)	210.120	am	(P-8766/89; A-1254)
1760.207	n	(P-13997/89; A-10027)	210.130	am	(P-8766/89; A-1254)
1760.208	n	(P-13997/89; A-10027)	210.140	am	(P-8766/89; A-1254)
1760.209	n	(P-13997/89; A-10027)	210.150	am	(P-8766/89; A-1254)
1760.210	n	(P-13997/89; A-10027)	210.210	am	(P-8766/89; A-1254)
1760.211	n	(P-13997/89; A-10027)	210.220	am	(P-8766/89; A-1254)
1760.212	n	(P-13997/89; A-10027)	226.40	am	(P-11364) (P-11068)
1760.213	n	(P-13997/89; A-10027)	226.520	am	(E-11364) (P-11068)
1760.214	am	(P-1650; A-12457)	226.525	am	(E-11364) (P-11068)
1760.215	am	(P-1650; A-12457)	226.532	am	(E-11364) (P-11068)
1760.216	am	(P-1650; A-12457)	226.552	am	(E-11364) (P-11068)
1760.217	am	(P-1650; A-12457)	226.555	am	(E-11364) (P-11068)
1760.218	am	(P-1650; A-12457)	226.560	am	(E-11364) (P-11068)
1760.219	am	(P-1650; A-12457)	226.562	am	(E-11364) (P-11068)
1760.220	am	(P-1650; A-12457)	226.605	am	(E-11364) (P-11068)
1760.221	am	(P-1650; A-12457)	226.612	am	(E-11364) (P-11068)
1760.222	am	(P-1650; A-12457)	226.615	am	(E-11364) (P-11068)
1760.223	am	(P-1650; A-12457)	226.620	am	(E-11364) (P-11068)
1760.224	am	(P-1650; A-12457)	226.625	am	(E-11364) (P-11068)
1760.225	am	(P-1650; A-12457)	226.630	am	(E-11364) (P-11068)
1760.226	am	(P-1650; A-12457)	226.635	am	(E-11364) (P-11068)
1760.227	am	(P-1650; A-12457)	226.640	am	(E-11364) (P-11068)
1760.228	am	(P-1650; A-12457)	226.645	am	(E-11364) (P-11068)
1760.229	am	(P-1650; A-12457)	226.650	am	(E-11364) (P-11068)
1760.230	am	(P-1650; A-12457)	226.655	am	(E-11364) (P-11068)
1760.231	am	(P-1650; A-12457)	226.660	am	(E-11364) (P-11068)
1760.232	am	(P-1650; A-12457)	226.665	am	(E-11364) (P-11068)
1760.233	am	(P-1650; A-12457)	226.670	am	(E-11364) (P-11068)
1760.234	am	(P-1650; A-12457)	226.675	am	(E-11364) (P-11068)
1760.235	am	(P-1650; A-12457)	226.680	am	(E-11364) (P-11068)
1760.236	am	(P-1650; A-12457)	226.685	am	(E-11364) (P-11068)
1760.237	am	(P-1650; A-12457)	226.690	am	(E-11364) (P-11068)
1760.238	am	(P-1650; A-12457)	226.695	am	(E-11364) (P-11068)
1760.239	am	(P-1650; A-12457)	226.700	am	(E-11364) (P-11068)
1760.240	am	(P-1650; A-12457)	226.705	am	(E-11364) (P-11068)
1760.241	am	(P-1650; A-12457)	226.710	am	(E-11364) (P-11068)
1760.242	am	(P-1650; A-12457)	226.715	am	(E-11364) (P-11068)
1760.243	am	(P-1650; A-12457)	226.720	am	(E-11364) (P-11068)
1760.244	am	(P-1650; A-12457)	226.725	am	(E-11364) (P-11068)
1760.245	am	(P-1650; A-12457)	226.730	am	(E-11364) (P-11068)
1760.246	am	(P-1650; A-12457)	226.735	am	(E-11364) (P-11068)
1760.247	am	(P-1650; A-12457)	226.740	am	(E-11364) (P-11068)
1760.248	am	(P-1650; A-12457)	226.745	am	(E-11364) (P-11068)
1760.249	am	(P-1650; A-12457)	226.750	am	(E-11364) (P-11068)
1760.250	am	(P-1650; A-12457)	226.755	am	(E-11364) (P-11068)

590.Ex.A			590.Ex.B			590.Ex.C			590.Ex.D			590.Ex.E			590.Ex.F			590.Ex.G			590.Ex.H			590.Ex.I			590.Ex.J			590.Ex.K			590.Ex.L			590.Ex.M			590.Ex.N			590.Ex.O			590.Ex.P			590.Ex.Q			590.Ex.R			590.Ex.S			590.Ex.T			590.Ex.U			590.Ex.V			590.Ex.W			590.Ex.X			590.Ex.Y			590.Ex.Z			590.Ex.AA			590.Ex.AB			590.Ex.AC			590.Ex.AD			590.Ex.AE			590.Ex.AF			590.Ex.AG			590.Ex.AH			590.Ex.AI			590.Ex.AJ			590.Ex.AK			590.Ex.AL			590.Ex.AM			590.Ex.AN			590.Ex.AO			590.Ex.AP			590.Ex.AQ			590.Ex.AR			590.Ex.AT			590.Ex.AU			590.Ex.AV			590.Ex.AW			590.Ex.AX			590.Ex.AY			590.Ex.AZ			590.Ex.BA			590.Ex.BB			590.Ex.BC			590.Ex.BD			590.Ex.BE			590.Ex.BF			590.Ex.BG			590.Ex.BH			590.Ex.BI			590.Ex.BJ			590.Ex.BK			590.Ex.BL			590.Ex.BM			590.Ex.BN			590.Ex.BO			590.Ex.BP			590.Ex.BQ			590.Ex.BR			590.Ex.BS			590.Ex.BT			590.Ex.BU			590.Ex.BV			590.Ex.BW			590.Ex.BX			590.Ex.BY			590.Ex.BZ			590.Ex.CA			590.Ex.CB			590.Ex.CC			590.Ex.CD			590.Ex.CE			590.Ex.CF			590.Ex.CG			590.Ex.CH			590.Ex.CI			590.Ex.CJ			590.Ex.CK			590.Ex.CL			590.Ex.CM			590.Ex.CN			590.Ex.CO			590.Ex.CP			590.Ex.CQ			590.Ex.CR			590.Ex.CS			590.Ex.CT			590.Ex.CU			590.Ex.CV			590.Ex.CW			590.Ex.CX			590.Ex.CY			590.Ex.CZ			590.Ex.DA			590.Ex.DB			590.Ex.DC			590.Ex.DD			590.Ex.DE			590.Ex.DF			590.Ex.DG			590.Ex.DH			590.Ex.DI			590.Ex.DJ			590.Ex.DK			590.Ex.DL			590.Ex.DM			590.Ex.DN			590.Ex.DO			590.Ex.DP			590.Ex.DQ			590.Ex.DR			590.Ex.DS			590.Ex.DT			590.Ex.DU			590.Ex.DV			590.Ex.DW			590.Ex.DX			590.Ex.DY			590.Ex.DZ			590.Ex.EA			590.Ex.EB			590.Ex.EC			590.Ex.ED			590.Ex.EF			590.Ex.EG			590.Ex.EH			590.Ex.EI			590.Ex.EJ			590.Ex.EK			590.Ex.EL			590.Ex.EM			590.Ex.EN			590.Ex.EO			590.Ex.EP			590.Ex.EQ			590.Ex.ER			590.Ex.ES			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590.Ex.FL			590.Ex.FM			590.Ex.FN			590.Ex.FO			590.Ex.FP			590.Ex.FQ			590.Ex.FR			590.Ex.FS			590.Ex.ET			590.Ex.EU			590.Ex.EV			590.Ex.EW			590.Ex.EX			590.Ex.EY			590.Ex.EZ			590.Ex.FA			590.Ex.FB			590.Ex.FC			590.Ex.FD			590.Ex.FE			590.Ex.FF			590.Ex.FG			590.Ex.FH			590.Ex.FI			590.Ex.FJ			590.Ex.FK			590		
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TITLE 23 (CONT'D)		
226.720	am	(E-11364) (P-11068)
226.730	am	(E-11364) (P-11068)
250.70	am	(P-11447)
253.30	am	(P-1645; A-12452)
260.10	am	(P-8424)
260.40	am	(P-8424)
275.30	am	(E-6411) (P-5921)
451.10	n	(P-9133/89; RC-4747; A-7518)
451.10	n	(P-9082/89; A-7593)
451.20	n	(P-9133/89; RC-4747; A-7518)
451.20	n	(P-9082/89; A-7593)
451.30	n	M-7662; A-7518)
451.40	r	(P-9082/89; A-7593)
451.40	n	(P-9133/89; RC-4747; A-7518)
451.50	n	(P-9133/89; RC-4747; A-7518)
451.60	n	(P-9133/89; RC-4747; A-7518)
451.70	n	(P-9133/89; RC-4747; A-7518)
451.80	n	(P-9133/89; RC-4747; A-7518)
451.90	n	(P-9133/89; RC-4747; A-7518)
451.100	n	(P-9133/89; RC-4747; A-7518)
451.110	n	(P-9133/89; RC-4747; A-7518)
451.120	n	(P-9133/89; RC-4747; A-7518)
451.130	n	(P-9082/89; A-7593)
451.140	r	(P-9082/89; A-7593)
451.150	r	(P-9082/89; A-7593)
451.160	r	(P-9082/89; A-7593)
451.165	r	(P-9082/89; A-7593)
451.170	r	(P-9082/89; A-7593)
451.175	r	(P-9082/89; A-7593)
451.180	r	(P-9082/89; A-7593)
451.185	r	(P-9082/89; A-7593)
451.190	r	(P-9082/89; A-7593)
451.195	n	(P-9082/89; A-7593)
451.200	n	(P-9133/89; RC-4747; A-7518)
451.210	n	(P-9133/89; RC-4747; A-7518)
451.210	n	(P-9082/89; A-7593)
451.220	n	(P-9133/89; O-4741; RC-4747; R-7662; A-7518)
451.220	r	(P-9082/89; A-7593)
451.230	r	(P-9133/89; RC-4747; A-7518)
451.230	am	(P-9082/89; A-7593)
451.235	n	(P-9133/89; RC-4747; A-7518)
451.240	r	(P-9082/89; A-7593)
451.240	r	(P-9133/89; RC-4747; A-7518)
451.250	r	(P-9082/89; A-7593)
451.250	n	(P-9133/89; RC-4747; A-7518)
451.260	n	(P-9133/89; RC-4747; A-7518)
451.260	n	(P-9082/89; A-7593)
451.270	n	(P-9133/89; RC-4747; A-7518)
451.270	r	(P-9082/89; A-7593)
451.280	n	(P-9133/89; RC-4747; A-7518)
451.290	n	(P-9133/89; RC-4747; A-7518)
451.300	n	(P-9133/89; RC-4747; A-7518)
451.310	n	(P-9082/89; A-7593)
451.320	r	(P-9082/89; A-7593)
451.330	r	(P-9082/89; A-7593)
451.340	r	(P-9082/89; A-7593)
451.350	r	(P-9082/89; A-7593)
451.360	r	(P-9082/89; A-7593)
451.370	r	(P-9082/89; A-7593)
451.380	r	(P-9082/89; A-7593)
451.390	n	(P-9133/89; RC-4747; A-7518)
451.400	n	(P-9133/89; RC-4747; A-7518)
451.410	r	(P-9082/89; A-7593)
451.420	n	(P-9133/89; RC-4747; A-7518)
451.420	n	(P-9082/89; A-7593)
451.430	n	(P-9133/89; RC-4747; A-7518)
451.440	r	(P-9082/89; A-7593)
451.450	r	(P-9082/89; A-7593)
451.460	r	(P-9082/89; A-7593)
451.470	r	(P-9082/89; A-7593)
451.480	r	(P-9082/89; A-7593)
451.490	r	(P-9082/89; A-7593)
451.495	n	(P-9133/89; RC-4747; A-7518)
451.500	n	(P-9133/89; RC-4747; A-7518)
451.510	n	(P-9133/89; RC-4747; A-7518)
451.520	n	(P-9133/89; RC-4747; A-7518)
451.530	n	(P-9133/89; RC-4747; A-7518)
451.540	n	(P-9133/89; RC-4747; A-7518)
451.550	n	(P-9133/89; RC-4747; A-7518)
451.560	n	(P-9133/89; RC-4747; A-7518)
451.570	n	(P-9133/89; RC-4747; A-7518)
451.580	n	(P-9133/89; RC-4747; A-7518)
451.590	n	(P-9133/89; RC-4747; A-7518)
500.10	am	(P-8307)
500.20	am	(P-8307)
500.80	am	(P-8307)
500.90	am	(P-8307)
1000.10	am	(P-14531/89; A-2030)
1000.30	am	(P-14531/89; A-2030)
1000.40	am	(P-14531/89; A-2030)
1000.60	am	(P-14531/89; A-2030)
1010.25	n	(E-20390/89; O-3275; R-4271; A-749

TITLE 23 (CONT'D)					
1501.111	am	(P-16869/89; A-4126)	100.30	am	(P-14539/89; A-10824)
1501.302	am	(P-16869/89; A-4126)	100.60	am	(P-14539/89; A-10824)
1501.303	am	(P-18025/89; A-10762)	100.70	am	(P-14539/89; A-10824)
1501.308	am	(P-16869/89; A-4126)	100.80	am	(P-14539/89; A-10824)
1501.406	am	(P-16869/89; A-4126)	100.100	am	(P-14539/89; A-10824)
1501.501	am	(P-16869/89; A-4126)	125.5	am	(P-14556/89; A-10832)
1501.501	am	(P-16869/89; A-4126)	125.90	am	(P-14556/89; A-10832)
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1501.515	am	(P-16869/89; A-4126)	125.250	r	(P-14556/89; A-10832)
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1501.603	am	(P-3308; A-13997)	125.260	r	(P-14556/89; A-10832)
1501.604	am	(P-3308; A-13997)	125.262	am	(P-14556/89; A-10832)
1501.605	am	(P-3308; A-13997)	125.270	am	(P-14556/89; A-10832)
1501.608	am	(P-3308; A-13997)	125.272	am	(P-14556/89; A-10832)
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1400.40	am	(P-2913/89; A-4515)	TITLE 77		
1400.50	am	(P-2913/89; A-4515)	205.120	am	(P-5442; A-13802) (E-5596)
1400.60	am	(P-2913/89; A-4515)	205.125	am	(P-5442; A-13802) (E-5596)
1400.65	am	(P-2913/89; A-4515)	205.350	am	(P-5442; A-13802) (E-5596)
1400.70	am	(P-2913/89; A-4515)	205.520	am	(P-5442; A-13802) (E-5596)
1400.80	am	(P-2913/89; A-4515)	205.540	am	(P-5442; A-13802) (E-5596)
1400.90	am	(P-2913/89; A-4515)	205.710	r	(P-5442; A-13802) (E-5596)
1480.10	r	(P-14291)	205.710	n	(P-5442; A-13802) (E-5596)
1480.20	r	(P-14291)	205.720	r	(P-5442; A-13802) (E-5596)
1480.30	r	(P-14291)	205.730	r	(P-5442; A-13802) (E-5596)
1480.40	r	(P-14291)	205.740	r	(P-5442; A-13802) (E-5596)
1480.45	#	(P-14291)	205.750	r	(P-5442; A-13802) (E-5596)
1480.50	r	(P-14291)	205.760	r	(P-5442; A-13802) (E-5596)
1480.60	#	(P-14291)	205.1380	am	(P-5442; A-13802) (E-5596)
1480.110	n	(P-14291)	240.20	am	(P-10028/89; A-2403)
1480.120	n	(P-14291)	245.10	am	(P-14699)
1480.130	n	(P-14291)	245.20	am	(P-10007/89; A-2382) (P-14699)
1480.140	n	(P-14291)	245.25n	n	(P-14699)
1480.150	n	(P-14291)	245.30	am	(P-10007/89; A-2382) (P-14699)
1480.160	n	(P-14291)	245.40	am	(P-10007/89; A-2382) (P-14699)
1480.170	n	(P-14291)	245.50	am	(P-10007/89; A-2382) (P-14699)
1480.180	n	(P-14291)	245.60	am	(P-14699)
1480.190	n	(P-14291)	245.80n	n	(P-14699)
1480.200	n	(P-14291)	245.90	n	(P-14699)
1480.210	n	(P-14291)	245.100	n	(P-14699)
1480.220	n	(P-14291)	245.110	n	(P-14699)
			245.120	n	(P-14699)
			245.130	n	(P-14699)
			245.140	n	(P-14699)
			245.150	n	(P-14699)
			250.150	am	(P-7875/89; A-2342)
2005.10	n	(P-15640/89; RC-2131; A-7228)	250.160	am	(P-2478; A-13824)
2005.20	n	(P-15640/89; O-2124; M-7267; RC-2131; A-7228)	250.315	n	(P-7875/89; A-2342)
2005.30	n	(P-15640/89; RC-2131; A-7228)	250.330	am	(P-7875/89; A-2342)
2005.40	n	(P-15640/89; RC-2131; M-7267; A-7228)	250.1870	n	(P-7875/89; A-2342)
			250.2140	am	(P-7875/89; A-2342)
2005.50	n	(P-15640/89; O-2124; M-7267; RC-2131; A-7228)	300.330	am	(P-9957)
2005.60	n	(P-15640/89; RC-2131; M-7267; A-7228)	300.1010	am	(P-2261; A-14950)
2005.70	n	(P-15640/89; RC-2131; M-7267; A-7228)	300.2210	am	(P-2261; A-14950)
2005.80	n	(P-15640/89; RC-2131; M-7267; A-7228)	300.2230	am	(P-2261; A-14950)
2005.90	n	(P-15640/89; RC-2131; M-7267; A-7228)	300.2420	am	(P-2261; A-14950)
			300.2920	am	(P-2261; A-14950)
			300.2930	am	(P-2261; A-14950)
			300.3060	am	(P-2261; A-14950)
			300.3120	am	(P-2261; A-14950)
			300.3130	am	(P-2261; A-14950)
			300.3220	am	(P-9957)
			300.3240	am	(P-9957)
			300.3260	am	(P-9957)
			330.330	am	(P-9920)
			330.913	am	(P-9920)
			330.1110	am	(P-9920)
			330.2010	am	(P-1827; A-14928)
			330.2210	am	(P-1827; A-14928)
			330.2230	am	(P-1827; A-14928)
			330.2420	am	(P-1827; A-14928)
			330.3060	am	(P-1827; A-14928)
			330.3160	am	(P-1827; A-14928)

TITLE 77 (CONT'D)

FILE	37.7620	am	(P-1827; A-14928)	510.100	am	(P-11119)
	330.3690	am	(P-1827; A-14928)	510.110	am	(P-11119)
	330.3720	am	(P-1827; A-14928)	510.130	am	(P-11119)
	330.4220	am	(P-9920)	535.10	am	(P-1755)
	330.4240	am	(P-9920)	535.20	am	(P-1755)
	330.4260	am	(P-9920)	535.100	am	(P-1755)
	350.110	am	(P-2210; A-14876)	535.110	am	(P-1755)
	350.120	am	(P-2210; A-14876)	535.120	am	(P-1755)
	350.330	am	(P-9833)	535.150	am	(P-1755)
	350.680	am	(P-9833)	535.200	am	(P-1755)
	350.1220	am	(P-9833)	535.210	am	(P-1755)
	350.1910	am	(P-2210; A-14876)	535.265	am	(P-1755)
	350.2010	am	(P-2210; A-14876)	535.300	am	(P-1755)
	350.2030	am	(P-2210; A-14876)	535.310	am	(P-1755)
	350.2220	am	(P-2210; A-14876)	535.320	am	(P-1755)
	350.2720	am	(P-2210; A-14876)	535.330	am	(P-1755)
	350.2730	am	(P-2210; A-14876)	535.335	n	(P-1755)
	350.3020	am	(P-2210; A-14876)	535.350	r	(P-1755)
	350.3030	am	(P-2210; A-14876)	535.400	am	(P-1755)
	350.3220	am	(P-9833)	535.410	am	(P-1755)
	350.3230	am	(P-2210; A-14876)	535.420	am	(P-1755)
	350.3240	am	(P-9833)	535.430	am	(P-1755)
	350.3260	am	(P-9833)	535.432	n	(P-1755)
	350.3710	am	(P-9833)	535.440	am	(P-1755)
	350.3720	am	(P-9833)	535.450	r	(P-1755)
	350.3730	am	(P-9833)	535.500	am	(P-1755)
	350.3750	am	(P-9833)	535.510	am	(P-1755)
	350.3770	am	(P-9833)	535.520	am	(P-1755)
	350.3780	am	(P-9833)	535.530	am	(P-1755)
	350.3810	am	(P-9833)	535.532	n	(P-1755)
	350.3880	am	(P-9833)	535.540	am	(P-1755)
	350.3900	am	(P-9833)	535.550	r	(P-1755)
	350.3940	am	(P-9833)	535.650	am	(P-1755)
	350.4010	am	(P-9833)	535.750	am	(P-1755; E-13856)
	350.4010	am	(P-9833)	535.900	am	(P-1755)
	350.4010	am	(P-9833)	535.920	am	(P-1755)
	350.4010	am	(P-9833)	540.35	n	(P-13424)
	350.4010	am	(P-9833)	540.65	n	(P-10665)
	350.4010	am	(P-9833)	540.90	am	(P-10665)
	350.4010	am	(P-2237; A-14904)	540.100	am	(P-10665)
	350.4010	am	(P-2237; A-14904)	540.200	n	(P-10665)
	350.4010	am	(P-2237; A-14904)	540.210	n	(P-13424)
	350.4010	am	(P-2237; A-14904)	550.100	n	(P-10656)
	350.4010	am	(P-2237; A-14904)	550.110	n	(P-10656)
	350.4010	am	(P-2237; A-14904)	550.120	n	(P-10656)
	350.4010	am	(P-2237; A-14904)	550.130	n	(P-10656)
	350.4010	am	(P-2237; A-14904)	550.140	r	(P-8493)
	350.4010	am	(P-2237; A-14904)	550.150	n	(P-8503)
	350.4010	am	(P-9883)	550.10	n	(P-8503)
	350.4010	am	(P-9883)	550.20	r	(P-8493)
	350.4010	am	(P-9883)	550.30	r	(P-8493)
	350.4010	am	(P-9883)	550.30	r	(P-8493)
	400.100	n	(P-10648)	550.30	n	(P-8503)
	400.110	n	(P-10648)	550.40	r	(P-8493)
	400.120	n	(P-10648)	550.40	n	(P-8503)
	400.130	n	(P-10648)	550.50	r	(P-8493)
	450.20	am	(P-14280/89; A-2360)	550.100	r	(P-8493)
	450.Ap.A	r	(P-14280/89; A-2360)	550.100	n	(P-8503)
	450.Ap.B	r	(P-14280/89; A-2360)	550.110	r	(P-8493)
	510.40	am	(P-11119)	550.110	n	(P-8503)
	510.50	r	(P-11119)	550.120	r	(P-8493)
	510.70	am	(P-11119)	550.120	n	(P-8503)

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TITLE 77 (CONT'D)					
790.3220	am	(E-9556) (P-9357)	790.5320	am	(E-9556) (P-9357) (P-13133)
790.3220	am	(P-4437; A-11988) (E-4620)			(E-13325)
790.3300	am	(P-13133) (E-13325)	790.5340	am	(P-4437; A-11988) (E-4620)
790.3315	am	(E-9556) (P-9357)	790.5420	am	(P-4437; A-11988) (E-4620)
790.3335	am	(P-1220; A-8154) (E-1505)			
790.3340	am	(P-9556) (P-9357)	790.5500	am	(P-4437; A-11988) (E-4620)
		(P-16910/89; A-3184)	790.5560	am	(P-9556) (P-9357)
790.3350	n	(P-1220; A-8154) (E-1505)	790.5620	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620) (E-9556) (P-9357)
790.3420	am	(P-16910/89; A-3184)			
790.3437	am	(E-9556) (P-9357)	790.5720	am	(P-16910/89; A-3184)
790.3440	am	(P-4437; A-11988) (E-4620)	790.5740	am	(P-4437; A-11988) (E-4620)
790.3492	am	(P-4437; A-11988) (E-4620)	790.5792	am	(P-13133) (E-13325)
790.3540	am	(P-16910/89; A-3184) (E-9556)	790.5820	am	(P-4437; A-11988) (E-4620)
790.3620	am	(P-9357)			
790.3742	am	(P-4437; A-11988) (E-4620)	790.5830	am	(E-9556) (P-9357)
790.3904	n	(P-13133) (E-13325)	790.5837	r	(P-1220; A-8154) (E-1505)
790.3910	am	(P-1220; A-8154) (E-1505)	790.5860	am	(P-4437; A-11988) (E-4620)
		(P-4437; A-11988) (E-4620)	790.5872	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620)
790.3914	n	(P-13133) (E-13325)	790.5900	am	(P-4437; A-11988) (E-4620)
790.3940	am	(P-4437; A-11988) (E-4620)			
790.3945	am	(P-4437; A-11988) (E-4620)	790.5940	am	(P-4437; A-11988) (E-4620)
790.4040	am	(E-9556) (P-9357)			
790.4060	am	(P-4437; A-11988) (E-4620)			
790.4140	am	(E-9556) (P-9357)	790.6140	am	(P-4437; A-11988) (E-4620)
790.4180	am	(P-4437; A-11988) (E-4620)	790.6180	am	(P-4437; A-11988) (E-4620)
790.4220	am	(P-4437; A-11988) (E-4620)			
790.4384	n	(P-4437; A-11988) (E-4620)	790.6275	am	(P-16910/89; A-3184)
790.4396	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620) (E-9556) (P-9357)	790.6277	am	(E-9556) (P-9357)
			790.6340	am	(P-16910/89; A-3184)
			790.6370	am	(P-9357)
790.4420	am	(E-9556) (P-9357)			
790.4430	am	(P-4437; A-11988) (E-4620)	790.6435	am	(E-9556) (P-9357)
790.4460	am	(E-9556) (P-9357)	790.6450	am	(P-16910/89; A-3184)
790.4580	am	(P-4437; A-11988) (E-4620)	790.6452	am	(P-16910/89; A-3184)
790.4660	am	(P-4437; A-11988) (E-4620)	790.6456	am	(E-9556) (P-9357)
790.4665	am	(P-4437; A-11988) (E-4620)	790.6460	am	(E-9556) (P-9357)
790.4667	n	(P-16910/89; A-3184)	790.6500	am	(E-9556) (P-9357)
790.4667	am	(P-4437; A-11988) (E-4620)	790.6540	am	(P-4437; A-11988) (E-4620)
790.4670	am	(P-16910/89; A-3184) (P-4437; A-11988) (E-4620)	790.6570	am	(P-4437; A-11988) (E-4620)
			790.6580	am	(P-4437; A-11988) (E-4620)
790.4680	am	(P-16910/89; A-3184)	790.6610	am	(P-13133) (E-13325)
790.4700	am	(P-4437; A-11988) (E-4620)	790.6620	am	(P-4437; A-11988) (E-4620)
790.4720	am	(P-1220; A-8154) (E-1505)	790.6621	r	(P-4437; A-11988) (E-4620)
		(P-16910/89; A-3184)	790.6670	am	(E-9556) (P-9357) (P-13133)
790.4725	n	(P-4437; A-11988) (E-4620)			(E-13325)
790.4728	n	(P-4437; A-11988) (E-4620)	790.6780	am	(P-4437; A-11988) (E-4620)
790.4740	am	(P-16910/89; A-3184) (E-9556)	790.6820	am	(P-4437; A-11988) (E-4620)
			790.6875	am	(P-1220; A-8154) (E-1505)
					(P-13133) (E-13325)
790.4790	am	(E-9556) (P-9357)	790.6895	am	(P-13133) (E-13325)
790.4940	am	(E-9556) (P-9357)	790.6940	am	(P-4437; A-11988) (E-4620)
790.5020	am	(P-4437; A-11988) (E-4620)	790.6980	am	(P-4437; A-11988) (E-4620)
790.5060	am	(P-4437; A-11988) (E-4620)	790.7100	am	(P-4437; A-11988) (E-4620)
790.5100	am	(E-9556) (P-9357)	790.7120	am	(P-4437; A-11988) (E-4620)
790.5140	am	(P-4437; A-11988) (E-4620)	790.7130	am	(P-4437; A-11988) (E-4620)
			790.7140	am	(P-13133) (E-13325)
790.5180	am	(E-9556) (P-9357)	790.7140	am	(P-4437; A-11988) (E-4620)
790.5220	am	(P-1220; A-8154) (E-1505)	790.7160	n	(P-4437; A-11988) (E-4620)
790.5300	am	(P-4437; A-11988) (E-4620)	790.7180	am	(P-4437; A-11988) (E-4620)
			790.7229	am	(P-13133) (E-13325)
790.5312	am	(E-9556) (P-9357)			
					(P-1220; A-8154) (E-1505)

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TITLE 80 (CONT'D)		TITLE 83 (CONT'D)		TITLE 86			
1650.340	am	281.Ex. H	r	285.3080	n	780.Ap.A	n
1650.350	am	281.Ap. A	r	285.3085	n	780.Ap.B	n
1650.360	am	285.110	am	285.3088	n	900.5	r
1650.370	am	285.115	am	285.3090	n	900.10	r
1650.380	am	285.120	am	285.3095	n	900.20	r
1650.390	am	285.130	am	285.3100	n	900.30	r
1650.400	am	285.140	am	285.3110	n	900.40	r
1650.410	am	285.145	am	285.3115	n	900.50	r
1650.420	am	285.150	am	285.3120	n	900.60	r
1650.430	am	285.160	am	285.3125	n	900.70	r
1650.440	am	285.170	am	285.3130	n	900.80	r
1650.450	am	285.180	am	285.3135	n	900.90	r
1650.460	am	285.190	am	285.4000	n	900.100	r
1650.470	am	285.200	am	285.4005	n	900.110	r
1650.480	am	285.210	am	285.4010	n	900.120	r
1650.490	am	285.220	am	285.4015	n	900.130	r
1650.500	am	285.230	am	285.4020	n	900.140	r
1650.510	am	285.240	am	285.4025	n	900.150	r
1650.520	am	285.250	am	285.5000	n	900.160	r
1650.530	am	285.260	am	285.5005	n	900.170	r
1650.540	am	285.270	am	285.5010	n	1000.5	r
1650.550	am	285.280	am	285.5015	n	1000.10	r
1650.560	am	285.290	am	285.5020	n	1000.20	r
1650.570	am	285.300	am	285.5025	n	1000.30	r
1650.580	am	285.310	am	285.5030	n	1000.40	r
1650.590	am	285.320	am	285.5035	n	1000.50	r
1650.600	am	285.330	am	285.5040	n	1000.60	r
1650.610	am	285.340	am	285.5045	n	1000.70	r
1650.620	am	285.350	am	285.5050	n	1000.80	r
1650.630	am	285.360	am	285.5055	n	1000.90	r
1650.640	am	285.370	am	285.5060	n	1000.100	r
1650.650	am	285.380	am	285.5065	n	1000.110	r
1650.660	am	285.390	am	285.5070	n	1000.120	r
1650.670	am	285.400	am	285.5075	n	1000.130	r
1650.680	am	285.410	am	285.5080	n	1000.140	r
1650.690	am	285.420	am	285.5085	n	1000.150	r
1650.700	am	285.430	am	285.5090	n	1000.160	r
1650.710	am	285.440	am	285.5095	n	1000.170	r
1650.720	am	285.450	am	285.5100	n		
3000.Ap.A	am	285.460	am	285.5105	n		
		285.470	am	285.5110	n		
		285.480	am	285.5115	n		
		285.490	am	285.5120	n		
		285.500	am	285.5125	n		
		285.510	am	285.5130	n		
		285.520	am	285.5135	n		
		285.530	am	285.5140	n		
		285.540	am	285.5145	n		
		285.550	am	285.5150	n		
		285.560	am	285.5155	n		
		285.570	am	285.5160	n		
		285.580	am	285.5165	n		
		285.590	am	285.5170	n		
		285.600	am	285.5175	n		
		285.610	am	285.5180	n		
		285.620	am	285.5185	n		
		285.630	am	285.5190	n		
		285.640	am	285.5195	n		
		285.650	am	285.5200	n		
		285.660	am	285.5205	n		
		285.670	am	285.5210	n		
		285.680	am	285.5215	n		
		285.690	am	285.5220	n		
		285.700	am	285.5225	n		
		285.710	am	285.5230	n		
		285.720	am	285.5235	n		
		285.730	am	285.5240	n		
		285.740	am	285.5245	n		
		285.750	am	285.5250	n		
		285.760	am	285.5255	n		
		285.770	am	285.5260	n		
		285.780	am	285.5265	n		
		285.790	am	285.5270	n		
		285.800	am	285.5275	n		
		285.810	am	285.5280	n		
		285.820	am	285.5285	n		
		285.830	am	285.5290	n		
		285.840	am	285.5295	n		
		285.850	am	285.5300	n		
		285.860	am	285.5305	n		
		285.870	am	285.5310	n		
		285.880	am	285.5315	n		
		285.890	am	285.5320	n		
		285.900	am	285.5325	n		
		285.910	am	285.5330	n		
		285.920	am	285.5335	n		
		285.930	am	285.5340	n		
		285.940	am	285.5345	n		
		285.950	am	285.5350	n		
		285.960	am	285.5355	n		
		285.970	am	285.5360	n		
		285.980	am	285.5365	n		
		285.990	am	285.5370	n		
		285.1000	am	285.5375	n		
		285.1005	am	285.5380	n		
		285.1010	am	285.5385	n		
		285.1015	am	285.5390	n		
		285.1020	am	285.5395	n		
		285.1025	am	285.5400	n		
		285.1030	am	285.5405	n		
		285.1035	am	285.5410	n		
		285.1040	am	285.5415	n		
		285.1045	am	285.5420	n		
		285.1050	am	285.5425	n		
		285.1055	am	285.5430	n		
		285.1060	am	285.5435	n		
		285.1065	am	285.5440	n		
		285.1070	am	285.5445	n		
		285.1075	am	285.5450	n		
		285.1080	am	285.5455	n		
		285.1085	am	285.5460	n		
		285.1090	am	285.5465	n		
		285.1095	am	285.5470	n		
		285.1100	am	285.5475	n		
		285.1105	am	285.5480	n		
		285.1110	am	285.5485	n		
		285.1115	am	285.5490	n		
		285.1120	am	285.5495	n		
		285.1125	am	285.5500	n		
		285.1130	am	285.5505	n		
		285.1135	am	285.5510	n		
		285.1140	am	285.5515	n		
		285.1145	am	285.5520	n		
		285.1150	am	285.5525	n		
		285.1155	am	285.5530	n		
		285.1160	am	285.5535	n		
		285.1165	am	285.5540	n		
		285.1170	am	285.5545	n		
		285.1175	am	285.5550	n		
		285.1180	am	285.5555	n		
		285.1185	am	285.5560	n		
		285.1190	am	285.5565	n		
		285.1195	am	285.5570	n		
		285.1200	am	285.5575	n		
		285.1205	am	285.5580	n		
		285.1210	am	285.5585	n		
		285.1215	am	285.5590	n		
		285.1220	am	285.5595	n		
		285.1225	am	285.5600	n		
		285.1230	am	285.5605	n		
		285.1235	am	285.5610	n		
		285.1240	am	285.5615	n		
		285.1245	am	285.5620	n		
		285.1250	am	285.5625	n		
		285.1255	am	285.5630	n		
		285.1260	am	285.5635	n		
		285.1265	am	285.5640	n		
		285.1270	am	285.5645	n		
		285.1275	am	285.5650	n		
		285.1280	am	285.5655	n		
		285.1285	am	285.5660	n		
		285.1290	am	285.5665	n		
		285.1295	am	285.5670	n		
		285.1300	am	285.5675	n		
		285.1305	am	285.5680	n		
		285.1310	am	285.5685	n		
		285.1315	am	285.5690	n		
		285.1320	am	285.5695	n		
		285.1325	am	285.5700	n		
		285.1330	am	285.5705	n		
		285.1335	am	285.5710	n		
		285.1340	am	285.5715	n		
		285.1345	am	285.5720	n		
		285.1350	am	285.5725	n		
		285.1355	am	285.5730	n		
		285.1360	am	285.5735	n		
		285.1365	am	285.5740	n		
		285.1370	am	285.5745	n		
		285.1375	am	285.5750	n		
		285.1380	am	285.5755	n		
		285.1385	am	285.5760	n		
		285.1390	am	285.5765	n		
		285.1395	am	285.5770	n		
		285.1400	am	285.5775	n		
		285.1405	am	285.5780	n		
		285.1410	am	285.5785	n		
		285.1415	am	285.5790	n		
		285.1420	am	285.5795	n		
		285.1425	am	285.5800	n		
		285.1430	am	285.5805	n		
		285.1435	am	285.5810	n		
		285.1440	am	285.5815	n		
		285.1445	am	285.5820	n		
		285.1450	am	285.5825	n		
		285.1455	am	285.5830	n		
		285.1460	am	285.5835	n		
		285.1465	am	285.5840	n		
		285.1470	am	285.5845	n		
		285.1475	am	285.5850	n		
		285.1480	am	285.5855	n		
		285.1485	am	285.5860	n		
		285.1490	am	285.5865	n		
		285.1495	am	285.5870	n		
		285.1500	am	285.5875	n		
		285.1505	am	285.5880	n		
		285.1510	am	285.5885	n		
		285.1515	am	285.5890	n		
		285.1520	am	285.5895	n		
		285.1525	am	285.5900	n		
		285.1530	am	285.5905	n		
		285.1535	am	285.5910	n		
		285.1540	am	285.5915	n		

TITLE 86 (CONT'D)		TITLE 89 (CONT'D)	
110.160	am	112.150	am
130.310	am	112.151	am
130.330	am	112.154	am
		112.252	am
130.1940	am	112.253	am
130.1965	am	112.254	am
130.2000	am	112.300	am
		112.303	am
130.2075	am	112.304	am
140.101	am	112.308	am
140.105	r	112.315	#
140.105	n	112.330	am
140.110	r	112.332	r
140.115	r	112.350	n
140.120	am	112.352	n
140.125	am	112.354	n
140.126	n	112.356	n
140.130	r	112.358	n
140.135	am	112.360	n
140.140	am	112.362	n
140.145	am	112.364	n
140.201	am	112.366	n
140.301	am	112.400	n
140.305	am	112.402	n
140.401	am	112.404	n
140.405	am	112.406	n
140.410	am	112.408	n
140.420	am	112.410	n
140.425	am	112.412	n
140.430	am	112.414	n
140.501	am	112.416	n
140.505	r	112.418	n
140.1301	r	113.9	am
140.1310	am	113.140	am
140.1415	am	113.141	am
140.1501	am	113.154	am
140.1601	am	113.155	am
150.325	am	113.253	am
150.330	am		
150.1401	am		
150.1405	am		
150.1415	am		
200.115	am		
205.10	n		
205.20	n		
205.30	n		
420.10	am		
420.140	am		
428.130	am		
432.110	am		
432.120	am		
432.160	am		
440.10	am		
440.20	am		
440.90	am		
440.140	r		
440.150	r		
440.200	r		
450.10	am		
495.100	n		

TITLE 86 (CONT'D)		TITLE 89 (CONT'D)	
110.160	am	112.150	am
130.310	am	112.151	am
130.330	am	112.154	am
		112.252	am
130.1940	am	112.253	am
130.1965	am	112.254	am
130.2000	am	112.300	am
		112.303	am
130.2075	am	112.304	am
140.101	am	112.308	am
140.105	r	112.315	#
140.105	n	112.330	am
140.110	r	112.332	r
140.115	r	112.350	n
140.120	am	112.352	n
140.125	am	112.354	n
140.126	n	112.356	n
140.130	r	112.358	n
140.135	am	112.360	n
140.140	am	112.362	n
140.145	am	112.364	n
140.201	am	112.366	n
140.301	am	112.400	n
140.305	am	112.402	n
140.401	am	112.404	n
140.405	am	112.406	n
140.410	am	112.408	n
140.420	am	112.410	n
140.425	am	112.412	n
140.430	am	112.414	n
140.501	am	112.416	n
140.505	r	112.418	n
140.1301	r	113.9	am
140.1310	am	113.140	am
140.1415	am	113.141	am
140.1501	am	113.154	am
140.1601	am	113.155	am
150.325	am	113.253	am
150.330	am		
150.1401	am		
150.1405	am		
150.1415	am		
200.115	am		
205.10	n		
205.20	n		
205.30	n		
420.10	am		
420.140	am		
428.130	am		
432.110	am		
432.120	am		
432.160	am		
440.10	am		
440.20	am		
440.90	am		
440.140	r		
440.150	r		
440.200	r		
450.10	am		
495.100	n		

TITLE 89 (CONT'D)		TITLE 89 (CONT'D)		TITLE 89 (CONT'D)	
120.61	am	(P-15582/89; A-4233) (P-7821; A-14814) (P-19157/89; A-6372)	r	(P-14317) (E-14570) (P-14317) (E-14570) (P-14317) (E-14570)	am
120.62	am	(P-15582/89; A-4233)	am	(P-1157/89; A-190)	am
120.63	am	(P-15582/89; A-4233)	am	(P-1157/89; A-190)	am
120.64	am	(P-5724; A-13227) (E-5839)	am	(P-1157/89; A-190)	am
120.70	am	(P-558; A-7637)	am	(P-14681)	am
120.72	am	(P-558; A-7637)	am	(P-17667/89; A-7141)	am
120.74	am	(P-558; A-7637) (E-1494)	am	(P-17667/89; A-7141) (P-7027) (E-7249; O-15036)	am
120.76	am	(P-558; A-7637)	am	(P-12082) (P-11672)	am
120.208	am	(P-2831; O-13011; R-13363; A-13227)	am	(P-10629)	am
120.235	am	(P-4081; A-10396)	am	(P-4415) (E-4577; O-8226; R-9260)	am
120.281	am	(P-4081; A-10396)	am	(P-13178/89; A-2564) (P-4415) (E-4577; O-8226; R-9260)	am
120.284	n	(P-15582/89; A-4233)	am	(P-13178/89; A-2564) (P-4415) (E-4577; O-8226; R-9260)	am
120.285	am	(P-19157/89; A-6372)	r	(P-4415) (E-4577; O-8226; R-9260)	am
120.308	am	(P-2831; O-13011; R-13363; A-13227)	am	(P-4415) (E-4577; O-8226; R-9260)	am
120.335	am	(P-9343)	am	(P-13178/89; A-2564)	am
120.370	am	(P-5954; O-13022; R-13363; A-13227)	am	(P-13178/89; A-2564)	am
120.379	n	(P-19157/89; A-6372)	am	(P-13178/89; A-2564)	am
120.384	n	(P-15582/89; A-4233)	am	(P-13178/89; A-2564)	am
120.385	am	(P-19157/89; A-6372)	am	(P-13178/89; A-2564)	am
120.386	n	(P-19157/89; A-6372)	am	(P-13178/89; A-2564)	am
120.390	am	(P-17229/89; A-4233) (P-5724; A-13227) (E-5839)	r	(P-17667/89; A-7141)	am
120.391	am	(P-5724; A-13227) (E-5839)	r	(P-17667/89; A-7141)	am
121.0	n	(P-9317)	am	(P-17667/89; A-7141)	am
121.10	n	(P-13503/89; A-729)	am	(P-17667/89; A-7141)	am
121.19	am	(P-13503/89; A-729)	am	(P-15612/89; A-2564) (P-7834) (P-3019) (E-3241; O-8223; R-9258)	am
121.22	am	(P-7006; A-13202)	am	(P-4415) (E-4577; O-8226; R-9260)	am
121.23	am	(P-7006; A-13202)	am	(P-4415) (E-4577; O-8226; R-9260)	am
121.27	am	(P-13503/89; A-729)	am	(P-4415) (E-4577; O-8226; R-9260)	am
121.31	am	(P-13503/89; A-729)	am	(P-4415) (E-4577; O-8226; R-9260)	am
121.50	am	(P-14756/89; A-729)	am	(P-4415) (E-4577; O-8226; R-9260)	am
121.60	am	(PP-15158)	am	(P-4415) (E-4577; O-8226; R-9260)	am
121.61	am	(P-5935; A-13202) (PP-15158)	am	(P-4415) (E-4577; O-8226; R-9260)	am
121.63	am	(P-9317) (PP-15158)	am	(P-4415) (E-4577; O-8226; R-9260)	am
121.64	am	(PP-15158)	am	(P-4415) (E-4577; O-8226; R-9260)	am
121.70	am	(P-13503/89; A-729)	am	(P-4415) (E-4577; O-8226; R-9260)	am
121.72	am	(P-13503/89; A-729)	am	(P-4415) (E-4577; O-8226; R-9260)	am
121.92	am	(P-548; A-6349)	am	(P-4415) (E-4577; O-8226; R-9260)	am
130.200	am	(P-1564; O-12946; RC-12948 R-14606; A-14537)	am	(P-4415) (E-4577; O-8226; R-9260)	am
130.321	am	(P-4049; A-13772)	r	(P-14317) (E-14570)	am
140.7	am	(P-5726; A-13262) (E-5865)	am	(P-1570; A-10409)	am
140.24	am	(P-5417; A-14826)	n	(P-3019) (E-3241; O-8223)	am
140.400	am	(P-1737; A-10062)	am	(P-20288/89; A-6339)	am
140.413	am	(P-4860)	am	(P-17665/89; A-3595) (P-2465; R-14317) (E-14570)	am
140.420	am	(P-1570; A-10409)	am	(P-17665/89; A-3595) (P-2465; R-14317) (E-14570)	am
140.421	am	(P-1570; A-10409)	am	(P-17665/89; A-3595) (P-2465; R-14317) (E-14570)	am
140.428	am	(P-14265/89; A-4543)	r	(P-2465; A-9464) (E-2657)	am
140.429	am	(P-14265/89; A-4543)	am	(P-2465; A-9464) (E-2657)	am
140.435	n	(P-1737; A-10062)	am	(P-12714) (E-12910)	am
140.436	n	(P-1737; A-10062)	am	(P-12714) (E-12910)	am
140.461	am	(E-5575) (P-5726)	am	(P-12202) (E-12278)	am
140.462	am	(E-5575) (P-5726)	am	(P-17665/89; A-3595) (P-2465; R-14317) (E-14570)	am
140.463	am	(E-5575) (P-5726)	am	(P-17665/89; A-3595) (P-2465; R-14317) (E-14570)	am
140.471	am	(P-8929)	am	(P-17665/89; A-3595) (P-2465; R-14317) (E-14570)	am
140.472	am	(P-8929)	am	(P-17665/89; A-3595) (P-2465; R-14317) (E-14570)	am
140.473	am	(P-8929)	am	(P-17665/89; A-3595) (P-2465; R-14317) (E-14570)	am
140.474	am	(P-8929)	am	(P-17665/89; A-3595) (P-2465; R-14317) (E-14570)	am
140.485	am	(P-14317) (E-14570)	am	(P-14317) (E-14570)	am

TITLE 89 (CONT'D)

240.920	(P-1077; A-10732)	n	(P-439; A-9407) (E-999)	410.250	n
240.1020	(P-1077; A-10732)	n	(P-439; A-9407) (E-999)	410.260	n
240.1950	(P-1077; A-10732)	n	(P-439; A-9407) (E-999)	410.270	n
300.20	(E-11356) (P-11423)	n	(P-439; A-9407) (E-999)	410.280	n
300.90	(P-11423)	n	(P-439; A-9407) (E-999)	410.290	n
300.130	(P-11423)	n	(P-439; A-9407) (E-999)	410.300	n
300.140	(P-11423)	n	(P-439; A-9407) (E-999)	410.310	n
302.20	(P-1)	n	(P-439; A-9407) (E-999)	410.320	n
302.40	(P-1)	n	(P-439; A-9407) (E-999)	410.330	n
302.315	(P-2205)	n	(P-439; A-9407) (E-999)	410.340	n
302.390	(P-14508/89; A-3438)	n	(P-439; A-9407) (E-999)	410.350	n
302.500	(P-1)	n	(P-439; A-9407) (E-999)	410.360	n
302.510	(P-1)	n	(P-439; A-9407) (E-999)	410.370	n
302.520	(P-1)	n	(P-439; A-9407) (E-999)	410.380	n
302.530	(P-1)	n	(P-439; A-9407) (E-999)	431.2	am
302.540	(P-1)	n	(P-439; A-9407) (E-999)	431.3	am
337.10	(P-9273)	n	(P-439; A-9407) (E-999)	431.5	am
337.20	(P-9273)	n	(P-439; A-9407) (E-999)	505.5	am
337.30	(P-9273)	n	(P-439; A-9407) (E-999)	505.10	am
337.40	(P-9273)	n	(P-439; A-9407) (E-999)	505.20	am
337.50	(P-9273)	n	(P-439; A-9407) (E-999)	505.40	am
337.60	(P-9273)	n	(P-439; A-9407) (E-999)	505.70	am
337.70	(P-9273)	n	(P-439; A-9407) (E-999)	505.80	am
337.80	(P-9273)	n	(P-439; A-9407) (E-999)	515.400	n
337.90	(P-9273)	n	(P-439; A-9407) (E-999)	515.500	n
337.100	(P-9273)	n	(P-439; A-9407) (E-999)	527.10	am
337.110	(P-9273)	n	(P-439; A-9407) (E-999)	527.100	am
337.120	(P-9273)	n	(P-439; A-9407) (E-999)	527.200	r
337.130	(P-9273)	n	(P-439; A-9407) (E-999)	527.300	r
337.140	(P-9273)	n	(P-439; A-9407) (E-999)	530.10	am
337.150	(P-9273)	n	(P-439; A-9407) (E-999)	530.110	am
337.160	(P-9273)	n	(P-439; A-9407) (E-999)	530.130	am
337.170	(P-9273)	n	(P-439; A-9407) (E-999)	530.200	am
337.180	(P-9273)	n	(P-439; A-9407) (E-999)	530.230	am
337.190	(P-9273)	n	(P-439; A-9407) (E-999)	530.240	am
337.200	(P-9273)	n	(P-439; A-9407) (E-999)	530.250	am
337.210	(P-9273)	n	(P-439; A-9407) (E-999)	540.40	n
410.10	(P-439; O-8206; R-9622, A-9407) (E-999)	n	(P-439; O-8206; R-9622, A-9407) (E-999)	552.30	am
410.30	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	552.60	am
410.40	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	552.90	am
410.50	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	562.30	am
410.60	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	567.20	am
410.70	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	567.30	am
410.80	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	567.60	am
410.90	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.100	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.110	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.120	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.130	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.140	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.150	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.160	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.170	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.180	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.190	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.200	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.210	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.220	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.230	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am
410.240	(P-439; A-9407) (E-999)	n	(P-439; A-9407) (E-999)	572.90	am

TITLE 89 (CONT'D)

607.20	(P-7087)	am	(P-7087)	716.300	n
617.20	(P-9385)	am	(P-9385)	716.400	n
617.50	(P-9385)	am	(P-9385)	716.500	n
617.55	(P-9385)	am	(P-9385)	730.400	am
617.60	(P-9385)	am	(P-9385)	765.60	am
650.1	(P-6725)	r	(P-6725)	795.100	am
650.10	(P-6725)	r	(P-6725)	795.110	r
650.10	(P-6683)	n	(P-6683)	810.10	am
650.20	(P-6725)	n	(P-6725)	830.50	am
650.20	(P-6683)	n	(P-6683)	843.10	am
650.30	(P-6725)	r	(P-6725)	843.10	am
650.30	(P-6683)	n	(P-6683)	843.20	am
650.40	(P-6725)	r	(P-6725)	843.30	am
650.40	(P-6683)	n	(P-6683)	843.50	am
650.50	(P-6725)	r	(P-6725)	843.60	am
650.50	(P-6683)	n	(P-6683)	843.70	am
650.60	(P-6725)	r	(P-6725)	843.120	am
650.60	(P-6683)	n	(P-6683)	843.150	am
650.70	(P-6725)	r	(P-6725)	843.160	am
650.80	(P-6683)	n	(P-6683)	843.180	n
650.80	(P-6725)	r	(P-6725)	845.11	n
650.90	(P-6683)	n	(P-6683)	845.20	am
650.90	(P-6725)	r	(P-6725)	845.30	am
650.90	(P-6683)	n	(P-6683)	845.40	am
650.100	(P-6725)	r	(P-6725)	885.10	am
650.100	(P-6683)	n	(P-6683)	885.30	n
650.110	(P-6725)	r	(P-6725)	885.100	n
650.120	(P-6683)	n	(P-6683)	885.110	n
650.130	(P-6725)	r	(P-6725)	885.200	n
650.140	(P-6683)	n	(P-6683)	885.210	n
650.150	(P-6725)	r	(P-6725)	890.10	r
650.160	(P-6683)	n	(P-6683)	890.20	r
650.200	(P-6725)	r	(P-6725)	890.30	r
650.500	(P-6683)	n	(P-6683)	890.40	r
650.600	(P-6725)	r	(P-6725)	899.10	n
650.700	(P-6683)	n	(P-6683)	899.20	n
650.1000	(P-6725)	r	(P-6725)	899.30	n
650.1000	(P-6683)	n	(P-6683)	899.40	n
675.100	(P-6725)	r	(P-6725)	899.50	n
675.300	(P-6683)	n	(P-6683)	899.60	n
685.500	(P-6725)	r	(P-6725)	899.70	n
685.600	(P-6683)	n	(P-6683)	899.80	n
687.100	(P-6725)	r	(P-6725)	899.90	n
690.100	(P-6683)	n	(P-6683)	899.100	n
695.300	(P-6725)	r	(P-6725)	899.110	n
695.400	(P-6683)	n	(P-6683)	899.120	n
700.200	(P-6725)	r	(P-6725)	899.130	n
700.300	(P-6683)	n	(P-6683)	899.140	n
712.100	(P-6725)	r	(P-6725)	899.150	n
712.200	(P-6683)	n	(P-6683)	899.160	n
712.300	(P-6725)	r	(P-6725)	899.170	n
712.400	(P-6683)	n	(P-6683)	899.180	n
712.1000	(P-6725)	r	(P-6725)	899.190	n
712.1000	(P-6683)	n	(P-6683)	899.200	n
714.110	(P-6725)	r	(P-6725)	899.210	n
714.130	(P-6683)	n	(P-6683)	899.220	n
714.310	(P-6725)	r	(P-6725)	899.230	n
714.320	(P-6683)	n	(P-6683)	899.240	n
716.100	(P-6725)	r	(P-6725)	899.250	n
716.200	(P-6683)	n	(P-6683)	899.260	n

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